

Agenda Item (IV-A)

Meeting 1/17/2017 - Regular
Agenda Item Chancellor's Reports (IV-A)
Subject Chancellor's Communications
College/District District
Information Only

Background Narrative:

Chancellor will share general information to the Board of Trustees, including federal, state and local interests and District information.

Prepared By: Michael Burke, Ph.D., Chancellor
Heidi Gonsier, Executive Administrative Assistant

Attachments:

None.

Agenda Item (IV-B)

Meeting 1/17/2017 - Regular

Agenda Item Chancellor's Reports (IV-B)

Subject Presentation on Family Educational Rights & Privacy Act (FERPA)

College/District District

Information Only

Background Narrative:

Patrick Pyle, General Counsel will share general information to the Board of Trustees on FERPA - Family Educational Rights & Privacy Act.

Prepared By: Michael Burke, Ph.D., Chancellor
Patrick Pyle, General Counsel

Attachments:

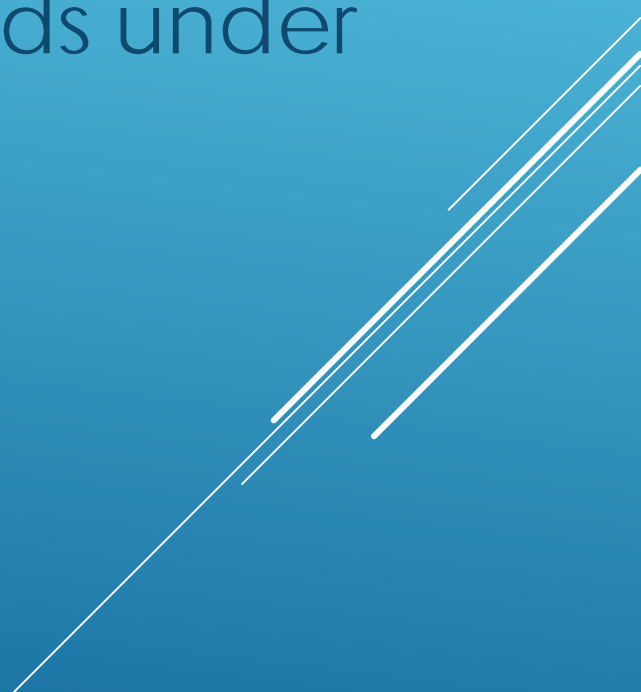
[FERPA Presentation
BP 5040](#)

AN OVERVIEW OF FERPA AND THE PROTECTION OF STUDENT INFORMATION AT RCCCD

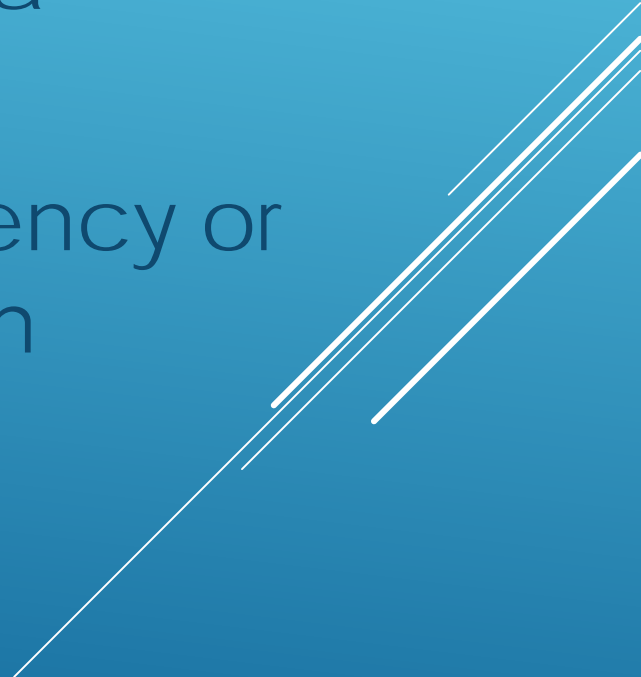
Patrick Pyle

General Counsel


The Family Educational Rights and Privacy Act (FERPA) [Title 34, Part 99] is the primary federal law that protects student education records, and applies to any institution that receives funds under any program administered by the U.S. Department of Education.

The image features a solid blue background. In the bottom right corner, there are several white, parallel diagonal lines that create a sense of motion or a modern design element.


FERPA defines “education records” as “those records, files, documents and other materials which

- contain information directly related to a student; and
 - are maintained by an educational agency or institution or by a person acting for such agency or institution.”
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Excluded from the definition of education records:

- “sole possession” records made by faculty and staff for their own use as reference or memory aid and not shared with others;
 - personal observations;
 - institutional law enforcement records;
 - peer-graded papers and exams prior to the grade being recorded;
 - alumni records.
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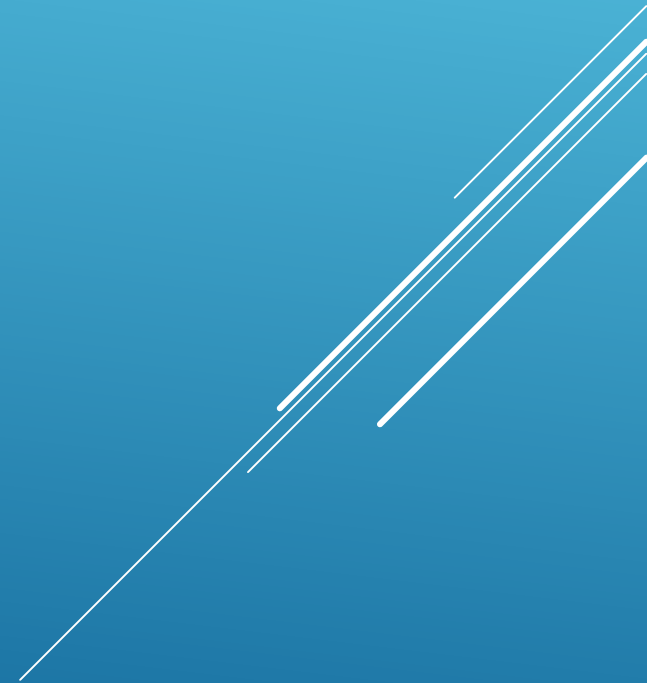
FERPA gives students four basic rights regarding their education record;

- to control disclosure of their education record;
 - to review their education record;
 - to request amendment of inaccurate portions of their record;
 - to file a complaint regarding non-compliance with FERPA.
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FERPA generally provides that before an institution may disclose a student's education records, it must first obtain written consent to do so from the student. There are, however, 16 exceptions to the general rule.




Important Exceptions Include:



1) Directory Information

Directory information is that information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy.


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RCCD defines “directory information” in Board Policy 5040 to include:


- Student name
 - Enrollment Status
 - Major Field of Study
 - Participation in Officially Recognized Activities & Sports
 - Dates of Attendance
 - Degrees and Awards Received
- 
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2) Health or Safety Emergency

In a valid health or safety emergency, an institution can release student information without prior written consent. Such information, however, must be “necessary” to protect the health or safety of the student or others.


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Congress intended this exception to be “strictly construed”, so any student information released must be “narrowly tailored” considering the immediacy, magnitude, and specificity of the emergency. There is no blanket release.



3) Ex Parte Orders

An ex parte order is one issued by a court of competent jurisdiction without notice to the other party. Under FERPA, this must be connected to the investigation or prosecution of terrorism crimes as specified in the U.S. Code (things like assassinations, hostage taking, destruction of infrastructure, etc.)

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4) Lawfully Issued Subpoenas and Court Orders


There are three contexts where this exception to the need for student consent to release education records applies

A] Grand Jury Subpoenas

A Federal Grand Jury may order an institution not to disclose the existence or contents of the subpoena or the institution's response.


B] Law Enforcement Subpoenas

An issuing court or agency may order the institution not to disclose the existence or contents of the subpoena. In the case of an agency subpoena, the educational institution has the option of requesting a copy of the “good cause” determination that was necessary to secure the subpoena.

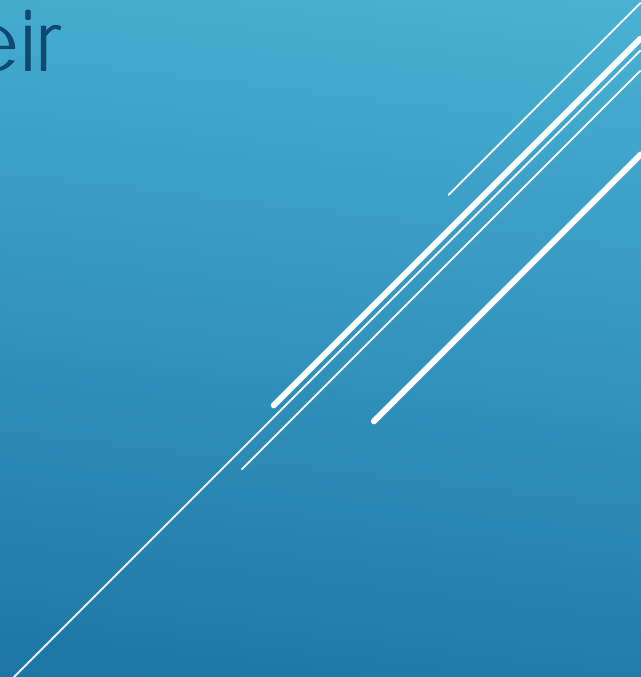
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C] All Other Subpoenas


In all other instances, information requested by subpoena can be released only if the institution has made reasonable effort to notify the student in advance so the student may seek protective action such as to modify or quash the subpoena.

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Summary

- Broad protection over nearly every aspect of student information
 - Students must generally consent for their information to be disclosed
 - Narrow exceptions
 - Availability of protective action
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Current Actions Regarding FERPA

1. Review of BP/AP5040 to ensure accuracy
 2. Review of faculty and staff FERPA training materials
 - updates to practice scenarios
 3. Ensure Admissions & Records leadership at each college is fully trained with FERPA
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QUESTIONS?



**BP 5040 STUDENT RECORDS, DIRECTORY INFORMATION AND
PRIVACY**

References:

Education Code Sections 76200 et seq.;
Title 5 Sections 54600 et seq.;
20 U.S. Code Section 1232g(i);
ACCJC Accreditation Standard II.C.8

The Chancellor shall assure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

Any currently enrolled or former student of the District has a right of access to any and all student records relating to him or her maintained by the District.

No District representative shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Students shall be notified of their rights with respect to student records, including the definition of directory information contained here, and that they may limit third party access to this information by contacting the Admissions & Records Office.

Directory information shall include:

- Student's name;
- Major field of study;
- Dates of attendance;
- Enrollment status (e.g. full/part time);
- Student participation in officially recognized activities and sports including weight, height, and high school of graduation of athletic team members;
- Degrees and awards received by students, including honors, scholarship awards, athletic awards, and Dean's List recognition;

Date Adopted: November 18, 2008
(Replaces RCCD Policy 6070)
Revised: September 18, 2012
Revised: June 16, 2015 (References only)

**AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND
PRIVACY**

References:

Education Code Sections 71091 and 76200 et seq.;
Title 5 Sections 54600 et seq.,
20 U.S. Code Section 1231g(i) (U.S. Patriot Act);
Civil Code Section 1798.85
ACCJC Accreditation Standard II.C.8

Students shall be advised of their rights regarding education records on the RCCD Admission application, class schedule and college catalog.

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

Release of Student Records

No instructor, official, employee, or member of the Board of Trustees shall authorize access to student records to any person except under the following circumstances:

- The District may permit access to education records to any person for whom the student has executed written consent specifying the records to be released and identifying the party to whom the records may be released. The recipient must be notified that the transmission of the information to others is prohibited.
- “Directory Information” may be released in accordance with the definitions in Board Policy 5040 and in accordance with federal and state laws and regulations, such as the Family Educational Rights and Privacy Act – FERPA.
- Students designate on the admission application whether or not Directory Information may be released without their consent.

Students may also withhold Directory Information by notifying Admissions and Records in writing. Requests for non-disclosure will be honored by the District until removed by the student in writing.

- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. Subpoenas are served at the office of the General Counsel and then

forwarded to Admissions and Records as well as Student Financial Services, Student Services Activities, Health Services, etc. These departments gather all pertinent documents and forward them to the Office of the General Counsel. A letter is sent to the student by Admissions and Records, informing them of the subpoena and giving them the name of the party requesting the records. All collected records are picked up by the requesting party unless otherwise instructed on the subpoena. Copies of subpoenas and materials requested are retained electronically by the Office of the General Counsel.

- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism. All federal judicial orders requesting records shall be handled in the same manner as that listed above for response to judicial orders or subpoenas.
- Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record. Requests are made to the Dean/Director of Admissions and Records, who approves or denies the request based on legitimate educational interests.
- Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements. Requests are made to the Dean/Director of Admissions and Records who confers with the Chancellor's office before releasing information.
- Student records may be released to officials of other public or private schools or school systems, including local, county or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code 76225. Students may request transcripts through the RCCD website (www.rcc.edu), mail or in person. The first two (2) transcripts are free of charge. Admissions and Records verifies the identity of the requestor and charges fees, if applicable.
- Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information

permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. The Dean, Student Financial Services is responsible for authorizing the release of this information.

- Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted. The Institutional Research Department releases information if the request is based on a legitimate educational purpose, as allowed by FERPA regulations. Institutional records of students may be shared with other institutions if a legitimate educational purpose has been identified. Improvement of Instruction is considered a legitimate educational purpose. Typically, the institution shares student records only with other institutions or through governmental agencies for the purposes of improvement of instruction. In the case of sharing student informational records with a non-governmental third party, (such as the Student Loan Clearinghouse), a signed agreement with the District, specifically stipulating the parameters of the data and its use, will be necessary before any information is released.
- Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law. All requests are submitted to the Chief of College Safety and Police, who authorizes access to the information.
- Upon written request the following information shall be released to each branch of the federal military, no more than once a semester, for the purposes of federal military recruitment (Solomon Amendment, 1996): student names, addresses, telephone listings, dates and places of birth, levels of education, majors, degrees received, prior military experience, and/or the most recent previous educational institutions enrolled in by the students. Written requests are forwarded to the Dean or Director of Admissions and Records, who then authorizes information to be released.
- Student records may be released to parents or guardians of a student under 18 years of age as defined in Section 152 of the Internal Revenue Code of 1986, when the student gives permission in writing to the Dean/Director of Admissions and Records.

- In the event of the death of a student, records may be released to an executor of the student's estate, a parent, spouse, or an agency or organization providing financial aid for the student. In each instance, proof of the student's death must be provided, by way of a certified copy of a death certificate or other court documentation, along with a written request for records, which states the reason for the request. Each such request will be handled on a case-by-case basis by the Dean/Director of Admissions and Records. Records will also be provided pursuant to a court order or subpoena.

Charge for Transcripts or Verifications of Student Records

A student/former student shall be entitled to two free copies of the transcript of his/her record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her, at the rate of \$5.00 per copy. For same-day service, the charge is \$10.00 per copy. Students may request special processing of a transcript.

Electronic Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding. All policies and procedures governing the confidentiality and release of the student's transcript apply to the electronic transmission of the record.

Use of Social Security Numbers

The district shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his or her social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his or her social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication device; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
 - Application or enrollment purposes;
 - To establish, amend, or terminate an account, contract, or policy; or
 - To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he or she has the right to stop the use of his or her social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request.

The following statement is printed in the Class Schedule and the District Catalog: "Students have the right to stop the use of their social security number in a manner otherwise prohibited by law by submitting a written request to Admissions and Records, along with a photo I.D".

Any currently enrolled or former student has a right of access to all education records relating to him or her. Student access to their educational records is provided with a secure login to WebAdvisor when a student applies for admission. Students who forget or lose access to WebAdvisor, will be required to request a login reset with photo identification through the Admissions and Records Office. Student educational information not available through WebAdvisor requires a written request. Once a student has submitted a request to inspect his/her records, the District/college will comply within 45 days. Copies are not provided if the student has an outstanding financial or other hold on the records. The District may assess a charge pursuant to Board Policy or Administrative Procedure.

The District does not have to permit a student to inspect and review education records that are:

1. Financial records, including any information those records contain of his/her parents.
2. Confidential letters and confidential statements under certain conditions. (See Family Educational Rights and Privacy Act Regulations). A student may waive right of access to education records devoted solely to confidential recommendations for career placement or postsecondary admissions.

Challenge

1. Students may challenge the content of student records pursuant to Board Policy and Administrative Procedure 5045, titled Student Records: Challenging Content and Access Log.
2. A student may not challenge grades assigned in courses of instruction via this section.

Record of Disciplinary Action

Whenever there is included in any education record information concerning any disciplinary action taken by District/College personnel in connection with the student, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

Office of Primary Responsibility: Admissions and Records

Administrative Approval: December 8, 2008

Revised: April 26, 2010

Revised: June 18, 2012

Revised: Revised August 17, 2015

(Replaces RCCD Regulation 6070)

Agenda Item (IV-C)

Meeting 1/17/2017 - Regular
Agenda Item Chancellor's Reports (IV-C)
Subject Healthcare Update
College/District District
Information Only

Background Narrative:

At the November 5, 2013 regular Board of Trustees meeting the Board of Trustees requested an update of the healthcare issue at each Board meeting.

Any new claims or concerns will be brought forward.

Prepared By: Terri Hampton, Vice Chancellor, HR and Employee Relations

Attachments:

None.

Agenda Item (IV-D)

Meeting 1/17/2017 - Regular

Agenda Item Chancellor's Reports (IV-D)

Subject Future Monthly Committee Agenda Planner and Annual Master Planning Calendar

College/District District

Information Only

Background Narrative:

Monthly, the Board Committees meet to review upcoming action items or receive information items and presentations. Furthermore, annually the Board sees and takes action on items at the same time each year. For the purposes of planning the monthly committee and Board meetings, the Future Committee Agenda Planner and the Annual Master Planning Calendar are provided for the Board's information.

Prepared By: Michael Burke, Ph.D., Chancellor
Heidi Gonsier, Executive Administrative Assistant

Attachments:

[January Monthly Planning Calendar](#)

RECOMMENDED 2016-17 GOVERNING BOARD AGENDA MASTER PLANNING CALENDAR

Month	Planned Agenda Item
September	<ul style="list-style-type: none"> • CCFS-311Q-Quarterly Financial Status Report (4th Quarter) • Public Hearing and Budget Adoption for the Fiscal Year RCCD Budget
October	<ul style="list-style-type: none"> • Annual Master Grant Submission Schedule • Emeritus Awards, Faculty • Presentation of Annual Report by Measure C Citizens' Bond Oversight Committee • CCFS 311 Annual Financial and Budget Report
November	<ul style="list-style-type: none"> • Annual CCFS-311 Financial and Budget Report (1st Quarter) • Annual Proposition 39 Financial and Performance Audits
December	<ul style="list-style-type: none"> • Organizational Meeting: Elect the President, Vice President and Secretary of the Board of Trustees; Board association and committee appointments. • Annual Board of Trustees Meeting Calendar for January-December • Annual District Academic Calendar • RCCD Report Card on the Strategic Plan • Annual Independent Audit Report for RCCD • Annual Independent Audit Report for RCCD Foundation • Fall Scholarship Award to Student Trustee
January	<ul style="list-style-type: none"> • Accountability Reporting for Community Colleges • Grants Office Annual Winter Report • Federal Legislative Update • Annual Nonresident Tuition and Capital Outlay Surcharge Fees • Proposed Curricular Changes
February	<ul style="list-style-type: none"> • CCFS-311Q-Quarterly Financial Status Report (2nd Quarter) • Presentation of Governor's Budget Proposal • Recommendation Not to Employ (March 15th Letters)
March	<ul style="list-style-type: none"> • Annual Adoption of Education Protection Account Funding and Expenditures
April	<ul style="list-style-type: none"> • Academic Rank – Full Professors • Annual Authorization to Encumber Funds (Resolution for RCOE) • Presentation on Fiscal Year RCCD Budget Planning • Proposed Curricular Changes
May	<ul style="list-style-type: none"> • CCFS-311Q-Quarterly Financial Status Report (3rd Quarter) • Summer Workweek • College Closure – Holiday Schedule • Resolution to Recognize Classified School Employee Week • Board of Trustees Annual Self-Evaluation • Chancellor's Evaluation
June	<ul style="list-style-type: none"> • Administration of Oath of Office to Student Trustee • Spring Scholarship Award to Student Trustee • Department Chairs and Stipends, Academic Year • Coordinator Assignments • Extra-Curricular Assignments • Notices of Employment–Tenured Faculty; Contract Faculty; and Categorically Funded Academic Administrator Employment Contracts • Notice of Public Hearing on the Fiscal Year Budget • Five-Year Capital Construction Plan, Initial Project Proposals and Final Project Proposals • Moreno Valley College Catalog • Norco College Catalog • Riverside City College Catalog • Board Self Evaluation – Reporting Out

A. Governance	B. Teaching and Learning	C. Planning and Operations	D. Resources	E. Facilities
Chancellor	Vice Chancellor, Academic Affairs	Chief of Staff and Facilities Development	Vice Chancellor, Business & Financial Services; Vice Chancellor, Diversity and Human Resources	Chief of Staff and Facilities Development
	<div data-bbox="499 786 842 1175" style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> ✓ Board report & backup materials attached for review by the Cabinet. ■ Board report and/or backup not yet complete – review pending. ★ Approved by the Cabinet for placement on the Board agenda. <p style="color: red; font-weight: bold; margin-top: 5px;">ALL FINAL REPORTS DUE TO THE CHANCELLOR'S OFFICE BY 01/31/2017 & 02/14/2017.</p> </div>		<ul style="list-style-type: none"> ■ Presentation for FY 2017-18 Governor's Budget Proposal (Brown) ■ 2015-2016 Independent Audit Report for the RCCD Foundation (Brown/Elwood) 	<ul style="list-style-type: none"> ✓ Amendment No. 4 for Project Labor Administration with Padilla & Assoc. (Isaac, Carlson, Doering)