



SAN DIEGO MESA COLLEGE ACADEMIC SENATE

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For Approval: 02/09/09

**MESA ACADEMIC SENATE
DECEMBER 1st, 2008 – 2:15 P.M. - 4:00 P.M. – H117/118**

Draft Minutes

PRESENT: Becca Arnold, Nathan Betschart, Bill Brothers, Anar Brahmhatt, Leslie Cloud, Mike Crivello, Chris Dawes, Margaret Fickess, Shirley Flor, Dwight Furrow, Martina Hesser, Gary Holton, Jill Jansen, Leroy Johnson, Margaret Karnyski, Wendel Kling, Ken Kuniyuki, Marichu Magana, Andrea Marx, , Joe Mac McKenzie, Jonathan McLeod, Trish Mendoza, Val Ontell, Sebastian Law, Francisca Rascon, Cynthia Rico-Bravo, Joe Safdie, Marilyn Schenk, Shannon Shi, Erica Specht, Chris Sullivan, Paul Sykes, George Svoboda, Farshid Zand, Bonnie ZoBell.

ABSENT: Mark Abajian, Bill Hoefler, Kris Clark, Laura Collins, Ida Cross, Rob Fender, Bob Gordon, Guillermo Marrujo, Paula Gustin, William Hoefler, Geoffery Johnson, Dina Miyoshi, Ron Ryno, Mike Sanchez, Terrie Teegarden (excused), Michelle Tucker, Manuel Velez, Trace Walker, Duane Wesley.

I. CALL TO ORDER & WELCOMES were made by President Elect Cynthia Rico-Bravo due to Terrie Teegarden's excused absence.

II. PUBLIC PRESENTATIONS.

- Associated Student Body (ASB) Representative-President Law stated that the Women's Group is having a Gift Drive for the Homeless. The Associated Student office will have internet access for students soon.

III. Guest: Vice Chancellor Lynn Neault presented a power point on FERPA-(Family Educational Rights and Privacy Act.). McLeod stated that issues have arisen between students, department chairs, and parents regarding FERPA guidelines.

FERPA: specifies that student educational records cannot be released without written consent of the student or a court order, defines educational records, specifies who can access records, defines exceptions and other limitations.

Education Records: Information directly related to the student, and; maintained by the institution: on file and accessible by others, shared with others in the institution; for example: police reports. Now includes biological information (new).

Not considered education records: sole possession records-maintained in personal file and not shared or intended to be shared, law enforcement records, employment records, medical records, alumni records, peer graded papers.

Education Officials: Individual employed by the institution in an administrative, supervisory, academic, research, or other administrative position. Individuals who serve on an institution's governing body. Individuals or entities employed by the institution to perform specific tasks.

Legitimate Educational Interest: Education officials have a legitimate educational interest when, in the exercise or completion of their administrative, supervisory, academic, research, or other administrative responsibilities on behalf of the institution, incur the need to know specific information from education records. Therefore, just because a person is an employee of the institution does not give them the right to access student information.

Directory Information: The language is permissive, "an institution may classify certain categories of information as directory information...." SDCCD does not classify any student record information as "directory". Refer to SDCCD Policy 3001 and associated procedures.

Access to Student Records: Students may access and view all information maintained by the District/colleges. Student record information cannot be released without written consent or court order. Minor students assume the rights of adults while enrolled, with the same protection. Parents of minors do not have the right to access any student information without written consent of the student.

Control over Disclosure: In-class communication are not considered private. Information shared in a classroom setting is not considered private, including email address, blogs, etc.

Exceptions to consent: Information may be shared with a school(s) where the student seeks or intends to enroll, or becomes enrolled. Parents, if the student is under 21, when a violation is determined regarding possession or use of alcohol or other controlled substance. Information regarding registered sex offenders. To comply with judicial orders, subpoena, or ex parte order (Patriot Act). To appropriate parties, including parents, upon determination of an articulable and significant threat to the health and safety of a student or others.

Health or safety emergency: In an emergency, FERPA permits school officials to disclose without student consent education records, including personally identifiable information from those records, to protect the health or safety of students or other individuals. Records and information may be released to appropriate parties such as law enforcement officials, public health officials, and trained medical personnel. See 34 CFR § 99.31(a)(10) and §99.36. This exception to FERPA's general consent rule is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student's education records.

Institutions are permitted to disclose information from education records to parents if a health or safety emergency involves their son or daughter.

Disciplinary Records: While student disciplinary records are protected as education records under FERPA, there are certain circumstances in which disciplinary records may be disclosed without the student's consent. A postsecondary institution may disclose to an alleged victim of any crime of violence or non-forcible sex offense the final results of a disciplinary proceeding conducted by the institution against the alleged perpetrator of a crime of violence or non-forcible sex offense, and with respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies. See 34 CFR § 99.31(a)(13) and (14). The District does not release this information except for cases of sexual assault pursuant to Education Code Section.

The Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires postsecondary institutions to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make public their campus security policies. The Act also requires that crime data be collected, reported, and disseminated to the campus community and to the Department annually. It is intended to provide students and their families with accurate, complete, and timely information about safety on campuses so that they can make informed decisions. Such disclosures are permitted under FERPA. The following Web site provides more information about these and other provisions about campus safety: <http://www.ed.gov/admins/lead/safety/campus.html> The District's crime information brochure may be found at <http://police.sdccd.edu/crimestats.htm>

Law Enforcement Unit Records: Many colleges and universities have their own law enforcement units to monitor safety and security in and around campus. Institutions that do not have specific law enforcement units may designate a particular office or school official to be responsible for referring potential or alleged violations of law to local police authorities. Investigative reports and other records created and maintained by these law enforcement units are not considered education records subject to FERPA. Accordingly, institutions may disclose information from law enforcement unit records to anyone, including outside law enforcement authorities, without student consent. See 34 CFR § 99.8 While an institution has flexibility in deciding how to carry out safety functions, it must also indicate in its policy or in information provided to students which office or school official serves as the college or university's "law enforcement unit". (The institution's notification to students of their rights under FERPA can include this designation) Law enforcement unit officials who are employed by the college or university should be designated in the institution's FERPA notification as "school officials" with a "legitimate educational interest". As such, they may be given access to personally identifiable information from students' education records. The institution's law enforcement unit officials must protect the privacy of education records it receives and may disclose them only in compliance with FERPA. For that reason, it is advisable that law enforcement unit records be maintained separately from education records.

Disclosure to Parents: When a student turns 18 years old or enters a postsecondary institution at any age, all rights afforded to parents under FERPA transfer to the student. However, FERPA also provides ways in which schools may

share information with parents without the student's consent. Schools may disclose education records to parents if the student is a dependent for income tax purposes. However, SDCCD does not release this information without the student's written consent. Schools may disclose education records to parents if a health or safety emergency involves their son or daughter. Schools may inform parents if the student who is under age 21 has violated any law or its policy concerning the use or possession of alcohol or a controlled substance. A school official may generally share with a parent, information that is based on that official's personal knowledge or observation of the student.

Student Health Information: Postsecondary institutions that provide health or medical services to students may only share student medical treatment records with parents under the circumstances described previously. While these records may otherwise be governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the HIPAA Privacy Rule excludes student medical treatment records and other records protected by FERPA.

Student and Exchange Visitor Information System (SEVIS): FERPA permits institutions to comply with information requests from the Department of Homeland Security (DHS) and its Immigration and Customs Enforcement Bureau (ICE) in order to comply with the requirements of SEVIS. Officials who have specific questions about this and other matters involving international students should contact the U.S. Department of Education's Family Policy Compliance Office.

Transfer of Education Records: FERPA permits school officials to disclose any and all education records, including disciplinary records, to another institution at which the student seeks or intends to enroll. While student consent is not required for transferring education records, the institution's annual FERPA notification should indicate that such disclosures are made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the student about the disclosure, unless the student initiates the disclosure. Additionally, upon request, the institution must provide a copy of the information disclosed and an opportunity for a hearing. See 34 CFR § 99.31(a)(2) and § 99.34(a)

Related District Policy and Procedures: Policy 3001-Student Records, Procedure 3001.1-Student Records, Release, Correction, and Challenge, Procedure 3001.2-Grade Challenge, Procedure 3001.4-Challenge Due to Discriminatory Treatment
McLeod thanked Neault for clarifying FERPA and for posting the information on the district website.

IV. APPROVAL OF SENATE AGENDA. No changes were made.

V. APPROVAL OF SENATE MINUTES ON NOV. 10TH. The minutes from November 10th, 2008 were approved.

M/S

McLeod/Ontell

Unanimous

VI. Committee Reports:

- A. Professional Development Committee**- Chair Bonnie ZoBell sent a DL to faculty delineating sabbatical leave deadlines and the time table. The timetable and the sabbatical application forms are on the Professional Development website. Previous successful applications are on file in the Senate Office in A-117. Application Deadline: Feb. 20th to Dean for signature with the chair's signature already on it. If the chair or dean does not approve, the application still needs to be signed and an explanation given if not approved. Photocopies of courses that may be taken can be submitted and judged as a group. It is a good idea to have a committee member read your application in advance of submission. Ten sabbaticals are available for the spring semester.
- B. Student Learning Outcomes**. Chair Joe Safdie stated that the Catalog submissions of SLO's are due for every department and service area by March 1, 2009. Send them to Joe, Susan Mun, or Dean Bergland. Joe has prepared the general education SLO's and the district would like concurrence from the three colleges. Liberal studies degree SLO's will be developed by the deans and department chairs. SLO assessment should begin spring semester 2009. 30% of total number of sections offered should be assessed. Software has not been selected yet. A team from the accreditation committee will visit different schools to assess their opinions of the SLO software they use. A discussion of the SLO software purchase ensued.

VII. Senate Exec Reports:

A. President-Teegarden

1. President's Cabinet

- Survey timelines: Piloting in two sections – Dec 1st; faculty to be notified if their class is selected – Feb 9th – 12th; survey will be administered – Feb 17th – 20th; data will be available about May 2nd.
- I – 300 will be remodeled as overflow classroom not designated to any particular discipline.
- Modular village will be constructed this summer for all services currently in I-400. Financial aid and perhaps EOPS may also be moved to the village. Barbara Kavalier and the SS exec will be looking at the planning for the village.
- A better way to facilitate students purchasing and then picking up their parking passes is being discussed

VIII. Old Business

- A. The Honesty Policy was discussed. Jansen thought that the process is cumbersome because the faculty must ask the dean to request sanctions from the Dean of Student Affairs. McLeod requested that

affected faculty and the department chair be informed of the outcome of the disciplinary action taken. Dawes mentioned that student complaints about faculty can be used in the evaluation of non-tenured faculty which is why some faculty are reticent to file disciplinary reports.

IX. New Business- Crivello stated that the Commencement date is before the end of the semester. The faculty feel strongly that commencement should occur after the end of the semester.

X. ANNOUNCEMENTS:

1. Hail and Farewell Reception for the Board of Trustees at the Handlery Hotel on December 11, 2008 from 5-7pm .
2. December 10th is the date for the Annual Creative Writing Award ceremony at 6:30pm in G-102.
3. Bob Michaels Retirement party on Thursday, December 4, 2008, 4pm in H-118-9.

XI . AJOURNMENT was made by Cynthia Rico-Bravo at 3:40 p.m.

Next meeting will be on Feb. 9th, 2009, in Room H117/118 at 2:15 P.M.

Respectfully submitted by
Erica Specht, Senate Secretary,