

Friday November 13, 2020 – Immediately following regular meeting (~11:00-11:30 a.m.)
Neal Campus Kingman, Room #240

(Action Items are in **bold** print)

I. Call to Order

Dr. Bare called the workshop to order at 11:09 a.m.

II. Pledge of Allegiance

Dr. Bare led the Pledge of Allegiance.

III. Roll Call

Julie Bare	Present
Susan McAlpine	Present
Vance Miller	Present
Ashley Pascual	Present (via remote conferencing)
Judy Selberg	Present

IV. The Gramm-Leach-Bliley Act a.k.a. the Financial Services Modernization Act of 1999, Mark VanPelt, Chief Information Officer (15 minutes)

Mr. VanPelt stated that the Gramm-Leach-Bliley Act of 1999 is being updated, which covers “financial institutions”. MCC qualifies due to its participation in Financial Aid and Payment Plans. One of the new regulations requires an annual update to Governing Board. The new rules aren’t expected to go into effect until 2021/2022; however, Arizona auditors are already registering findings under the new rules, so MCC is getting ahead of the game.

MCC’s server environment is 99% virtualized. Virtualization offers flexibility, security, and interoperability for the enterprise. The remaining less than 1% are backup servers for local campuses. The desktop environment, roughly 1000 workstations, is 95% refreshed for staff, faculty, and students.

IT serves 5 locations: Bullhead City Campus, Detroit Avenue Center, Lake Havasu Campus, Neal Campus Kingman, North Mohave Campus. A sixth location (Beale Street Kingman), will be added this spring.

The college has one Hyperconverged Server Stack that contains 9 total hosts that support 249 servers and 600 View sessions for the college.

The network has been refreshed with the exception of some little used areas, including but not limited to: 87 Wireless Access Points, 95 Switches, 7 Routers and 3 Firewalls. A total of 164 cameras and associated equipment are currently being installed at all locations.

MCC Cybersecurity is based on layered defenses. MCC's model is the template for The Trust members. Critical systems hiding behind multiple firewalls, Least Privilege, The View, The Greynet and lots of manual monitoring. IT's training and mentoring program is responsible for two technicians being promoted to Network Engineer and a Systems Administrator. Other steps being taken include: Security Information and Event Management System (SIEM), Network Access Controller (NAC) and Offsite deadlink backups.

2019-2020 Security Incidents

Abuse@Mohave.edu

- 1259 reported e-mails in FY2019/2020 – roughly 5 a day.
- On pace to add about 20% to that this fiscal year.
- Each takes 30-60 minutes to properly vet.

Red Flag

- Zero red flag incidents this year.

Compromised Accounts

- 9 accounts compromised this year.
- No real damage seen as a result.

Security Alerts

- 12 Security Alerts sent to MCC-All

V. A Refresher in FERPA - "Should I Say or Should I Know (Better)?" Michelle Brehmeyer, Registrar (15 Minutes)

Ms. Brehmeyer stated that FERPA is a federal law that protects the privacy of student educational records. It was established to guarantee students the right to control access to their educational records. It is the first time for many students that privacy rights, which previously belonged to their parent(s), now belong to them. It applies to ALL educational agencies or institutions that receive funds (financial aid) under any program administered by the Secretary of Education.

Students are notified annually of their FERPA rights via email notification, in the College Catalog, and in the Student Handbook. Their rights include:

- inspecting and reviewing their education records within a maximum of 45 days after written request is received;
- seeking an amendment or correction of educational records that the student believes is inaccurate or misleading and, in certain cases, append a statement of those records;
- some control over the disclosure of information from educational records except when release is permitted by law;
- filing a complaint with the Family Policy Compliance Office (FPCO) is part of the United States Department of Education, within 180 days of the alleged violation.

Under FERPA, educational records are defined as records that are directly related to a student and are maintained by an education agency or institution or by a party acting for the agency or

institution. Educational records can exist in any medium, including: handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. Educational records are NOT: law enforcement records as defined in FERPA, employment records, medical records, post-attendance records or sole possession records.

FERPA permits college employees to have access to student education records in which they have "legitimate educational interest." Such access does not require prior written consent of the student. Essentially, legitimate educational interest is necessary for employees to carry out their responsibilities in support of the College's mission. Employees can also think of legitimate educational interest as a "need to know" that is essential to carrying out their job responsibilities related to education.

According to the FERPA, the only information which may be released without the student's written consent is directory information. Directory information at MCC includes: name, address, e-mail address, phone number(s), photographs, most recent previous school attended, MCC ID number, major field of study, campus attended, status (including current enrollment, dates of attendance, full-time/part, withdrawn, degrees awarded), honors received (e.g., Dean's List, Honor's List, PTK), participation in activities and sports and weight and height of athletic team members. Students currently enrolled may withhold disclosures of "Directory Information" with written notification. Failure to withhold indicates individual approval for disclosure. Students are notified of their FERPA rights annually by publication in the college catalog.

Failure to comply with FERPA can lead to: Lawsuit(s), Loss of federal funding, including financial aid, The Department of Education will "showcase" the violation on their website, A FERPA violation could be related to a "Red Flag" violation, which has stiff financial penalties for each violation, Employment action, disciplinary consequences up to termination, Conviction of a misdemeanor under the Public Information Act and Confinement in the county jail not to exceed six months or fine not to exceed \$1000.00 or BOTH.

Board members worked through the following case studies with Ms. Brehmeyer during the training.

Case study #1: A parent approaches a board member and states that she claimed the child/student as a dependent on her current income taxes and therefore has the right to know her child's grades. Is the parent correct and may the Registrar's Office release the student's grades to her? YES. FERPA permits a school to disclose personally identifiable information (PII) from education records of an "eligible student" (a student age 18 or older or enrolled in a postsecondary institution at any age) to their parents if the student is considered a "dependent student" as defined in Section 152 of the Internal Revenue Code.

Case study#2: A student's spouse approaches a board member and proceeds to express concerns regarding the spouse's financial aid disbursement. At the time, the board member listens but does not comment. After the encounter, the board member writes a few notes about the details of the conversation and relays them via phone with Dr. Klippenstein for his further review. They then hold onto their notes for personal reference. Shortly afterwards, the student requests access to all of his educational records. Are the board member's notes considered part of the student's educational record? YES. These notes are no longer considered "within the exclusive control of

the maker". Although these notes may have served more for the board member as a memory-jogging type of note, once they were shared with Dr. Klippenstein and maintained they become a part of the student's educational record.

Case study #3: During the call to the public, a student addresses the board members with her concerns regarding the application requirements to one of MCC's health professional program. She stated that she was denied admittance because her math course did not transfer from her previous institution. The student discloses that she has a cumulative GPA of 3.3. Shortly afterwards, a local newspaper reporter approaches the board member, requesting for a comment regarding admission requirements for this program and seeking confirmation that the student reported a GPA of 3.3 before the article is published. May the board member re-disclose the information provided by student in a public forum to the reporter? No. Under FERPA, the prior written consent of the student is required for the disclosure of non-directory information from the student's education records. FERPA does not consider whether or not the information is already in circulation. There is no implied consent in FERPA.

Case study #4: A parent approaches a board member and reports they are upset that their child who is an MCC student is receiving texts and phone calls from military recruiters. They demand to know if MCC released the information and if so, they are going to file a complaint with the Family Policy Compliance Office (FPCO). May MCC release student information to military recruiters? YES. The Solomon Amendment is a Federal Law, that allows military recruiters to access some address, biographical and academic program information on students age 17 and older. The Department of Education has determined that the Solomon Amendment supersedes most elements of FERPA.

VI. Employment Law Hotspots – "One Scenario to Rule Them All"
Jennifer Dixon, Chief Human Resource Officer (15 minutes)

Board members worked through the following case studies with Ms. Dixon during the training.

Case Study #1: You are approached by Mr. X, a high-ranking member of one of MCC's valuable community partners, a partner that regularly donates large sums of money to MCC for scholarships. Mr. X tells you that he is aware that John Smith has applied for the vacant Director of Recruiting job at MCC and he wants to share his glowing reference and recommendation of Mr. Smith. What is your response?

Despite your response, Mr. X emails each board member a lengthy recommendation, detailing all of the candidate's qualifications in glowing terms, ending with, "I can't tell you how disappointing it will be if Mr. Smith is not selected for this position." What is your response?

At the end of the email, Mr. X shares a couple of concerns:

1. Another candidate (an internal applicant) has a social media account with “inflammatory statements” regarding the upcoming election and the political candidates; and
2. A member of the interview committee is a recently hired director (less than 12 months). Mr. X feels like that person may not have the longevity and institutional knowledge to appropriately determine which candidate will best fill the vacancy. The interview committee member has identified as an Asian female and part of the reason she was selected for the committee was to provide a diverse perspective.

What is your response?

VII. Board Communication: Julie Bare, 2020 Board President (30 minutes)

- Overview of Board Roles and Responsibilities

Based on the ACCT publication *Trusteeship in Community Colleges: A Guide for Effective Governance*, individual Board members and President Klippenstein shared their thoughts on the following topics:

Act as a unit and Represent the common good (Julie Bare)

Set direction (Stacy Klippenstein)

Employ, support, and evaluate the chief executive officer (Vance Miller)

Define policy standards for college operations (Judy Selberg)

Monitor institutional performance (Susan McAlpine)

Create a positive climate (Ashley Pascual)

Support and advocate the interests of the institution (Board)

Lead as a thoughtful, educated team (Klippenstein)

After which, the following questions were addressed:

To meet the roles and responsibilities as stated by ACCT, what are the communication expectations between board members and the CEO and board members?

To be successful, what are your individual needs regarding the roles and responsibilities as stated by ACCT?

Are there particular roles and responsibilities in which need to improvement?

- BOG Code of Conduct

The Board expects of itself, as a whole and of its members, ethical and professional conduct. This commitment includes proper use of authority, recognition of the limitations of that authority and appropriate decorum in group and individual behavior when acting as Board members during lawfully convened meetings of the Board, and when appearing in the community in a setting in which community members look to the individual for information or leadership due to the person’s role as an elected or appointed Board member.

Each Board member must represent non-conflicted loyalty to the interests of the entire community of Mohave County. This accountability supersedes any conflicting loyalty such as that to advocacy or interest groups, membership on other boards and staffs, and an individual's employment or profession. Likewise, Board members are elected to serve on an impartial and nonpartisan basis, and this accountability supersedes the personal interest of any Board Member acting as an individual consumer of the organization's services and when serving as a steward on behalf of the college district

The Board as a whole in its meetings shall provide sufficient opportunities for open, respectful, and honest communication with its internal and external communities.

- Board members should always remember:
 - The Governing Board is a unit – and authority rests within unit
 - No authority as an individual outside of GB meeting
 - Board Members as Consumers
 - Written policies and procedures are foundation of governance
 - No personal gain – ever
 - No personal problems into GB operations
 - Respect all other opinions... public, colleagues, staff.
 - Requests for info always go to the President, not staff members (unless President refers you directly)
 - No secret meetings, always comply with OML ARS 38-431
 - Make no commitments on any matter that should come before the board for consideration by the whole
 - Use facts, not fiction... personal opinions can be fiction to others
 - Board members are policy makers, not Administrators. The MCC President is the Administrator of the College.
 - Respect & Support the President's decisions in administrative matters, day-to-day operations, and supervision of all employees
 - ACCEPT MAJORITY RULE in GOVERNING BOARD DECISIONS
- Round Robin Discussion Questions

Board members worked through the following scenarios as a group.

#1: Concerned Constituent shares that a neighbor - student at MCC - isn't being treated fairly... not allowed to (x, y, z) or teacher isn't a 'good' teacher. What do you say/do?

#2: Concerned Constituent shares that s/he is a student and very satisfied with MCC. What do you say/do?

#3: Offer an invented scenario or real-life dilemma you have faced.

- One College, One Voice

Dr. Bare shared an excerpt from a recent video interview she did with Grace Hecht of #MakeBullheadBetter where she expressed the following sentiments:

- Sees the community college as an institution for the whole county
- Although elected by District 2, she makes decision based on how it affects the entire system, not just Bullhead City
- Different campuses may need different things; students travel amongst the campuses
- When taxes are paid, it is for the entire institution, not just the local campus
- What's best for the institution, the system, the County?
- Feels that when together as a Board, the other trustees feel the same, what's best for the institution, not just their campus/district.

VIII. Adjournment