

Board of Trustees  
Minutes of the Regular Meeting  
Napier Campus  
January 24, 2017

**CALL TO ORDER**

Chair Lindley called the Regular Meeting of the Lake Michigan College Board of Trustees to order at 6:05 p.m. The meeting opened with the Pledge of Allegiance.

**ROLL CALL**

Present: Ms. Truesdell, Ms. Tomasini, Dr. Lindley, Mr. Curry, Mr. Grover, Mr. Bergan, Ms. Johnson

Absent: None

**SETTING OF THE AGENDA**

Chair Lindley added items 1) Three Policies: Federal Cash Management Policy, FERPA Compliance Policy, and Policy on Insurance Coverage, 2) February Workshop Date, and 3) Update on President Search

**APPROVAL OF MINUTES**

The minutes of the Special Closed Session Meeting December 6, 2016, Regular Board Meeting December 6, 2016, and Special Election of Officers Meeting January 3, 2017 were accepted as presented with a motion by Ms. Truesdell with support by Ms. Johnson.

**PETITIONS AND COMMUNICATIONS FROM THE FLOOR**

None

**DEPARTMENT REPORTS**

**Finance Report**

Ms Hahn gave the finance report for month ending December 31, 2016.

**Regional Campuses and K-12 Partnerships**

Ms. Craig reported on the 8th Annual High School Hospitality and Culinary Chili and Cornbread Cook-Off, Business Professionals of America (BPA), and the 2017 First Robotics Competition.

**Academic Services**

Dr. Kellogg reported on the College's Spring Opening Days held January 11-13. The College used this time to support initiatives which included the Fab Lab and Simulation Classroom orientation, and Guided Pathways training with Dr. Robert Johnstone, Founder and President, National Center for Inquiry & Improvement (NCII).

## **NEW BUSINESS**

### **Estimated Sources of Revenue - Fiscal Year 2018**

#### **BACKGROUND**

Act 331 of the Public Acts of 1966, as amended, Section 141 states:

“The Board of Trustees shall prepare annually on a day to be determined by the Board of such district but not after the third Monday of April each year, an estimate of the amount of taxes or appropriation deemed necessary for the ensuing fiscal year for the purpose of expenditures authorized by law as within the powers of the Board.”

Accordingly, it is necessary that the Lake Michigan College Board of Trustees take formal action to estimate the amount of taxes necessary for the ensuing fiscal year to cover estimated expenditures.

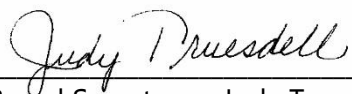
Estimated general fund expenditures for fiscal year 2018 are likely to generally approximate those of fiscal year 2017, which were budgeted to be \$32,100,000. Currently estimated property tax revenue for fiscal year 2017 is \$19,700,000.

#### **ACTION**

To ensure adequate funding for the ensuing fiscal year, it was recommended that the Board of Trustees levy the full voted millage rates of 2.3002, as might be modified by the provisions of Section 31 of the Constitution of the State of Michigan (e.g., the Headlee Amendment.)

It is hereby resolved by the Board of Trustees of Lake Michigan College that the College will levy the full voted millage rates of 2.3002, as might be modified by the provisions of Section 31 of the Constitution of the State of Michigan.

I do hereby certify the official resolution of the Board of Trustees of Lake Michigan College to levy for all purposes the amount recorded in the approved minutes of said district.

  
Board Secretary – Judy Truesdell

**MOTION** by Ms. Truesdell, with support by Mr. Bergan to levy the full voted millage rates of 2.3002, as might be modified by the provisions of Section 31 of the Constitution of the State of Michigan (e.g., the Headlee Amendment).

ROLL CALL VOTE

Yeas: Ms. Truesdell, Ms. Tomasini, Dr. Lindley,  
Mr. Curry, Mr. Grover, Ms. Johnson, Mr.  
Bergan

Nays: None

Absent: None

**APPROVED**

**Appointments of the 2016-2017 MCCA Board of Directors**

The Michigan Community College Association (MCCA) Bylaw, Article VII, Sec. 1 and 2 requires each member college to certify to the Secretary of the Association prior to July 15 each year its representatives to the MCCA Board of Directors. The representatives must be the chief administrative officer of the College and one member of the College's governing board. Each College Board is also required to designate an alternate governing board member. The Lake Michigan College Board of Trustees representatives to the Michigan Community College Association Board of Directors for 2016-2017 are Dr. Michael Lindley, Chair, and Ms. Debra Johnson, Vice Chair.


**CERTIFICATION OF APPOINTMENT  
2016-2017 MCCA BOARD OF DIRECTORS  
MICHIGAN COMMUNITY COLLEGE ASSOCIATION**

**CERTIFICATION FORM**

At a Regular meeting of the Board of Trustees or Board of  
(Special/Regular)  
Education of Lake Michigan College held on January 24, 2017  
(College) (Date)  
the following were designated as the chief administrative officer and governing board  
representatives of Lake Michigan College to the Board of Directors of  
(College)  
the Michigan Community College Association for the year beginning July 1, 2016 and  
ending June 30, 2017.

**MCCA BOARD OF DIRECTORS REPRESENTATIVES**

President Director	<u>Robert P. Harrison</u> (Name)	
Trustee Director	<u>Michael Lindley</u> (Name)	<u>Chair</u> (Board Title)
Alternate Trustee Director	<u>Debra Johnson</u> (Name)	<u>Vice Chair</u> (Board Title)

Submitted by:   
(Signature of Authorized Agent)  
January 24, 2017  
(Date)

**Application for Special 2-Day Liquor License – Winner’s Circle Auction**

It was requested that the Lake Michigan College Board of Trustees approve the submission to the State of Michigan Department of Licensing and Regulatory Affairs by Conference and Event Services for two-day liquor licenses for March 3 and March 4, 2017 for the Winner’s Circle Benefit Auction at the College’s Mendel Center.

**MOTION** by Ms. Tomasini, with support by Mr. Curry to approve the submission to the State of Michigan Department of Licensing and Regulatory Affairs by Conference and Event Services for two-day liquor licenses for March 3 and March 4, 2017 for the Winner’s Circle Benefit Auction at the College’s Mendel Center.

ROLL CALL VOTE

Yeas: Ms. Truesdell, Ms. Tomasini, Dr. Lindley, Mr. Curry, Mr. Grover, Ms. Johnson, Mr. Bergan

Nays: None

Absent: None

**APPROVED**

**College Board Reappointments to the Lake Michigan College Foundation Board of Directors**

Lake Michigan College Board Chair Lindley announced the re-appointment of Mr. Jeff Curry, Ms. Mary Jo Tomasini, and Mr. John Grover as Board of Trustees representatives to the Lake Michigan College Foundation Board of Directors for 2017.

**ACTION:**

It was recommended that the Lake Michigan College Board of Trustees approve the three policies as presented: Federal Cash Management Policy, FERPA Compliance Student Information Accessibility & Confidentiality Policy, and Insurance Coverages Policy.

**MOTION** by Mr. Bergan, with support by Ms. Truesdell to approve the three policies as presented: Federal Cash Management Policy, FERPA Compliance: Student Information Accessibility & Confidentiality Policy, and Insurance Coverages Policy.

ROLL CALL VOTE

Yeas: Ms. Truesdell, Ms. Tomasini, Dr. Lindley, Mr. Curry, Mr. Grover, Ms. Johnson, Mr. Bergan

Nays: None

Absent: None

**APPROVED**

**Federal Cash Management Policy**

Office of Origin:	Purchasing & Risk Management
Date Adopted:	1/24/17
Last Date Reviewed:	1/24/17
Last Date Modified & Approved:	1/24/17

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Two methods of payment are provided in Federal regulations for all Federal awards made by the Federal awarding agency to the recipient: the Advance Method and the Reimbursement Method.

Lake Michigan College (the College) uses the Reimbursement Method for requesting payments from Federal awarding agencies.

**Reimbursement Method Process**

The Finance Department will request reimbursement for actual expenditures incurred for Federal grants as specified by the awarding agency's system (e.g., Department of Education's G5 grant management system) for direct grants. Any funding agency requiring an invoice prior to reimbursing the College must be provided an invoice prepared by the Finance Department.

All costs for which reimbursement is being requested must:

- Be necessary and directly allocable to the related project plan (goals, objectives, and

- activities);
- Be reasonable for the performance of the project;
  - Have a cost basis to support the requested amount (e.g., quantity x unit cost = total request);
  - Be administratively efficient;
  - Conform to any limitations or exclusions set forth in a Notice of Grant Opportunity, program regulations, and/or cost principles;
  - Be treated in a consistent manner by the College as an item of cost, regardless of the source of funds involved;
  - Be categorized in accordance with Generally Accepted Accounting Principles (GAAP);
  - Not be included as an item of cost in any other Federally funded program; and,
  - Be properly documented.

The College will only request reimbursement for funds actually disbursed, only for obligations incurred during a grant period, and only for goods and services that have been actually received. In addition, the College will not request payment for any cost that cannot be satisfactorily supported by appropriate source documentation.

The Finance Department is responsible for subsequently obtaining the reimbursement funds through monthly cash draws.

Unlike the Advance Method, the Reimbursement Method does not require an interest calculation.

### **Advance Method**

Federal requirements require that payments under the Advance Method be:

- limited to the minimum amount needed,
- in accordance with the actual, immediate cash requirements, and
- as close as is administratively feasible to the amount of the actual disbursement.

Use of the Advance Method also requires an organization to have:

- written procedures that minimize the time elapsing between the transfer of funds and disbursement by the College, and
- financial management systems that meet the standards for fund control and accountability.

Currently the College's uses only the Reimbursement Method. Should the College adopt the Advance Method in the future, the requirements listed above would have to be addressed and documented.

### **Interest Under the Advance Method**

The Advance Method requires that an organization remit to the funding agency interest earned advanced payments monies after receipt but before disbursement that in total exceeds \$500 per year.

Currently the College's uses only the Reimbursement Method. Should the College adopt the Advance Method in the future, requirements applicable to interest calculation on advance payments would have to be addressed and documented.

**Responsibility:** Purchasing & Risk Management

**References:** 2 CFR § 200.305; § 200.305 section 9



## **Policy on Insurance Coverages**

Office of Origin: Purchasing & Risk Management  
Date Adopted: 01/24/2017  
Last Date Reviewed:  
Last Date Modified & Approved:

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Lake Michigan College (the College) maintains insurance coverage to protect the assets and resources of the College and mitigate the risk of loss.

Certain risks facing the College are not insurable by nature, or, in other instances, the risk may be assumed by the College where the potential impact of a loss is not considered significant or where cost economies can be realized by retaining or self-insuring the exposures.

### **Responsibilities**

One of the functions of the College's Office of Risk Management (Risk Management) is to assess what levels of loss the College can bear without insurance as well as how to mitigate overall risks facing the College.

It is also the responsibility of Risk Management to support filing and processing of claims with insurance carrier(s) in an expeditious manner.

It is the responsibility of Administrative Services to review contracts and agreements to ensure that the College bears only its proportionate share of any liability or claims that may arise from the agreement, and to ensure that appropriate insurance and other protective clauses are in the agreement.

It is the responsibility of all employees, students and volunteers to report incidents of injury or damage to Risk Management immediately for a determination of whether an incident may be covered under the College's insurance policies.

### **Coverages**

The following presents a brief description of the insurance policies the College maintains to protect the College's assets and other resources and mitigate the risk of against loss.

See the most current declaration pages from the College's insurance company for the limits of liability per coverage.

#### **A) Auto Liability, Auto Physical Damage, & Garage Coverage**

This insurance covers potential liability for damages that may be owed to third parties arising out of the ownership, maintenance, or use of an automobile, owned or leased by the College, plus some medical expenses incurred by passengers as a result of an accident in an insured vehicle.

Coverages generally include:

- Bodily injury / property damage
- Broad form collision

- Comprehensive auto physical damage
- Covered autos (liability and physical damage)
- Garage liability
- Garagekeepers' legal liability
- Glass repair
- Hired and non-owned liability (liability and physical damage)
- Personal injury protection
- Property damage buy back
- Property protection coverage
- Rental reimbursement
- Towing
- Uninsured / underinsured motorist

It also covers College-owned or long-term leased vehicles for property damage resulting from collision, theft, and other perils based on a schedule of covered vehicles.

Generally, there is a \$500 deductible to be met for this coverage for physical damage due to collision and theft.

Refer to the College's Travel Policy for guidelines covering short-term rentals of vehicles.

Use of a personal auto on College business or while traveling to or from College business is covered with the College insurance as secondary (excess) coverage to your personal coverage.

## **B) Commercial General Liability**

This insurance covers the College as well as its officers and its employees when they are acting on behalf of the College and within the scope of their duties for legal liability that might result in damages to third parties as a result of insured occurrences (e.g., accidents). It generally includes the following coverages:

- Bodily injury / property damage
- Employee benefits liability
- Fire legal liability
- Law enforcement legal liability
- Personal and advertising injury
- Premises medical payments
- Sexual misconduct

This insurance does not provide for automatic medical coverage to injured visitors or for replacement of their damaged property; in order for such coverage to attach, liability on the part of the College must be demonstrated.

Coverage is not extended to individual employees or officers if the loss or injury is a result of a malicious or intentional act.

Insured incidents can include, but are not limited to, complaints about employment situations or claims for bodily injury or damages occurring on our grounds or while attending a College sponsored event.

### **C) Property Insurance**

This insurance covers all College owned or leased buildings and business personal property (i.e., movable property – College belongings exclusive of land and buildings) as well as property owned by others for which the College is liable from loss due to damage from fire, explosion, theft, smoke, vandalism, flood, earthquake, etc. Losses to property resulting from wear and tear or lack of maintenance though consequential damage is generally not covered.

It excludes personal property of students, employees, or third parties as well as the loss of currency.

Coverages generally include:

- Accounts receivable
- Builder's risk
- Buildings and property in the open
- Business income
- Business personal property
- Crime
- Data breach
- Debris removal
- Earth movement
- Electronic data
- Employee dishonestly blanket bond
- Equipment breakdown (boiler and machinery)
- Fine arts (non-scheduled)
- Fire department service charge
- Fungus, wet rot, dry rot and bacteria
- Inland marine (i.e., movable or specialized property)
- Library restocking cost
- Newly acquired business personal property
- Newly acquired real property
- Non-owned detached trailers
- Off premises utility service interruption (direct damage)
- Ordinance of law
- Outdoor property (non-scheduled)
- Personal effects and property of others
- Pollutants clean up and removal
- Preservation of property
- Property in transit
- Property off premises
- Terrorism and school violent acts
- Valuable papers and records
- Water / flood / wind driven rain

Inland marine includes athletic equipment, athletic uniforms, AV equipment, contractor's equipment, data/voice technology property, musical instruments, radios, and certain miscellaneous equipment.

Generally, once a deductible of \$10,000 per loss incident is met, the coverage includes the cost to repair or replace with property of like kind and quality.

### **D) Crime Coverage**

This insurance provides coverage for crime losses that are not insured under other policies. Briefly described, commercial crime insurance covers money, securities, and other property against a variety of criminal acts, such as employee theft, robbery, forgery, and extortion and computer fraud.

Coverages generally include:

- Computer fraud

- Employee dishonesty blanket bond
- Forgery or alteration
- Funds transfer fraud
- Robbery or safe burglary of other property (inside the premises)
- Theft of money and securities (inside or outside the premises)

#### **E) Cyber Liability / Data Breach**

Most notably, but not exclusively, cyber liability/data breach policies focus on an organization's liability for a data breach where individual personal information, such as social security or credit card numbers, is exposed or stolen by a hacker or other criminal who has gained access to the College's electronic network.

Coverages generally include:

- Data compromise response expenses
- Defense and liability
- Legal and forensic IT review

#### **F) Professional Liability**

This insurance includes coverage for claims against College officers, faculty, staff, and students who are participating in clinical experiences, so long as the action is within the scope of their duties.

Coverage is not extended to individuals if the injury is a result of a malicious or intentional act.

#### **G) Educators Legal Liability (Directors & Officers Insurance)**

This insurance covers the cost of defense as well as the payment of damages owed to third parties as a result of claims against employees or appointed or elected official of the College, including implicated employees, for actions within the scope of their duties as well as coverage for losses or damages as a result of claims against the administration of the employee benefits plans.

Coverages generally include:

- Non-monetary relief defense costs (no deductible)
- Special education defense costs (no deductible)
- Wrongful act (subject to \$25,000 per claim deductible)

#### **H) Workers Compensation**

Nearly all employers in Michigan are subject to the Workers' Disability Compensation Act (also known as "workers' comp".) The law requires that every covered employer must provide some way of assuring that benefits are paid to its workers if they become injured while on the job. This can be done by purchasing an insurance policy from a private insurance company, self-insuring the risk, or joining a group fund.

See the College's WORKERS' COMPENSATION procedure adopted August 11, 2014 and BODILY INJURY/PROPERTY DAMAGE/THEFT procedure adopted February 15, 2003 for more information on workers comp insurance.

#### **Indemnification**

College staff ("staff" being defined as employee and/or elected or appointed official) may be indemnified, and provided a legal defense, from certain claims that may arise against such staff acting for the College and within the scope of their authority.

If a civil claim or action is brought against former or present College staff for an act or omission of that staff while acting within the scope of his/her professional authority, the College will provide legal representation for that person if necessary by authorizing the College's attorney to act on behalf of a person being defended or by employing other counsel of its choice or by asserting the College's rights under any insurance policy which requires the insurer to provide the defense. Alternatively, the College may reimburse the staff for legal expenses reasonably incurred in connection with any civil claim or action.

If the College provides for the legal defense of staff, the College may assume exclusive control over the representation of the person defended, and which includes, but is not limited to, the right to investigate, compromise, settle, and/or pay a claim. Staff are required to participate in and/or cooperate with the legal defense provided by the College.

If a civil claim and/or action results in a judgment for damages being awarded against staff caused by staff while acting within the scope of such person's official employment and within the scope of such person's authority, the College will indemnify the staff and will pay, settle or compromise the judgment.

The College will not, however, indemnify or provide legal representation to any former or current staff in connection with any civil claim or action that arises out of:

- an act or omission that is outside the scope of employment or authority of the staff.
- the willful misconduct or gross negligence of the staff.
- an intentional tort or fraud of the staff.
- any act and/or omission of any staff while under influence of intoxicating liquor or narcotic drugs.

The College will also not indemnify or provide legal representation to any former or current staff in connection with any civil claim or action if the staff fails, in the sole discretion of the College, to participate in and/or cooperate with the legal defense offered by the College.

The College retains the right to assert all available defenses to any claim made against it, and nothing in this policy will be construed to be a waiver of any defense, including but not limited to governmental immunity, available to the College or its staff.

### **Certificates of Insurance**

A certificate of insurance is a document used to provide evidence that an entity is insured. The College may be requested by outside parties to provide evidence of insurance, for example to owners of premises or equipment rented or leased to the College, hospitals or other locations accepting students in clinical placement, equipment or fine arts on loan to the College for display or other usage.

Requests for a certificate of insurance should be made in writing to Risk Management.

### **Vendors/Contractors Insurance Requirements**

The College requires that certain vendors and contractors working for the College have a minimum amount of insurance. These requirements vary depending on the nature and hazard of the work being performed.

Risk Management can provide guidance on minimum insurance requirements and when a certificate of insurance is required from a vendor or contractor.

### **Claims Procedures:**

The following presents a brief description of the College's procedures for filing or reporting a claim.

It is important that you notify Risk Management to determine if a particular incident of injury or damage is or may be covered under these or other insurance policies.

- See the College's BODILY INJURY/PROPERTY DAMAGE/THEFT procedure adopted February 15, 2003 for more information reporting injuries, property damage, and theft.
- Although some incidents or claims may not be eligible for insurance coverage, ALL incidents involving property damage, theft, disturbances, etc., must be reported to Director of Public Safety using the Claim/Incident Report.
- If in doubt, call Risk Management or Director of Public Safety to determine whether the event or situation merits reporting.
- Any event or situation that could be reasonably supposed to result in an insurance or legal claim should be reported immediately to Risk Management.
- All legal papers (e.g., summons, complaint) or claims (including any demands for money or services by third parties as a result of any alleged incident) should be reported / provided immediately to Risk Management.
- If you are served with a lawsuit related to the College or to work performed at or on behalf of the College, any such document should immediately be submitted to Risk Management.
- If a police report is provided or obtained related to any incident or claim, it should be immediately forwarded to Director of Public Safety.
- Risk Management should be notified of any property loss or potential loss as soon as possible, preferably before any cleanup activities have begun.
- In the case of significant property loss or damage, it is important that Risk Management be notified as soon as possible so that an insurance company claims representative can be contacted to tour the site.

**Responsibility:** Manager, Purchasing & Risk Management

**References:** WORKERS' COMPENSATION procedure adopted August 11, 2014; BODILY INJURY/PROPERTY DAMAGE/THEFT procedure adopted February 15, 2003

## **FERPA Compliance: Student Information Accessibility & Confidentiality Policy**

Office of Origin: Records Office/Office of the Registrar

Date Adopted: 06-24-02

Date Reviewed: 07-06-2016

Last Date Modified & Approved: 06-29-10

### **Policy Statement:**

Educational records of all Lake Michigan College students are maintained in compliance with the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, which is a Federal law administered by the U.S. Department of Education (Department) and applies to all educational agencies and institutions that receive funding under any program administered by the Department.

FERPA ensures confidentiality of educational records and prescribes conditions under which information about students can be released, while also affording students certain rights with respect to their educational record. FERPA applies to all students regardless of age or parental dependency.

Unless there is an outstanding request by a student to inspect and review educational records, FERPA permits the College to destroy such records without notice to the student.

Student rights under FERPA:

- **The right to inspect and review the student's educational record within 45 days of the date the College receives a request for access.** The student should submit the request to the Registrar and identify the records they wish to inspect. The Registrar will make arrangements for access and notify the student of the time/place the records may be inspected.

Exceptions, by law, to the right to review include:

- Parental financial information.
  - Educational records containing information about more than one student, in which case the institution will permit access only to the part of the record which pertains to the inquiring student.
  - Items outlined in the exclusions to the definition of an educational record.
- **The right to request amendment to the student's educational record.** The student may request an amendment of records that the student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A request to amend should be made in writing to the Registrar, clearly identifying the part of the record the student wants changed and specifying why it should be changed. The College is not required to honor the request, only to consider it. If the request is denied, the Registrar will notify the student in writing of the decision and the right to a hearing on the decision. If, after the hearing, the College still chooses not to amend the record, the student has the right to place a statement with the record commenting on the contested information. That statement must remain with the contested part of the student's record for as long as the record is maintained.

While the educational record amendment process may be used to challenge facts that are inaccurately recorded, it may not be used to challenge a grade, an opinion, or a substantive decision made by the College about a student. The intention of the right to request amendment is to require only that Colleges conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations. Additionally, if FERPA's amendment process is not applicable to a student's request for amendment of educational records, the College is not required to hold a hearing on the matter.

- **The right to consent to disclosure of personally identifiable information contained in the student's educational record, except to the extent that FERPA authorizes disclosure without consent.** Information from a student's educational record may not be released to third parties without the student's prior written consent; however, there are exceptions to releasing information without a student's approval, as outlined below:
  - College officials with legitimate educational interest.
  - In connection with the purpose of awarding financial aid.
  - In relation to a student's delinquency on payment. Relative information from a student's educational records may be disclosed as necessary to effect collection of a student's financial obligations to the College.
  - Litigation against the College. Student educational records deemed necessary for the defense of the College in a suit filed by a student may be disclosed to attorneys representing the College.
  - Officials at other Colleges to which a student is seeking to transfer/enroll.
  - Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954. The college may release a student's records upon request, but the parent or guardian must provide evidence of the student's dependency (via most recent federal tax form) prior to receiving the requested information.
  - To comply with a court order or subpoena lawfully issued by a judge or attorney. Court orders or subpoenas must be forwarded to the Registrar immediately so a response can be appropriately issued. A reasonable effort to notify the student will be made by the College when it responds to a court order or subpoena.
  - Certain government officials in order to carry out lawful functions. Authorized federal and state officials may have access to student educational records as required by the audit and evaluation of state and federally supported education programs, or in connection with the enforcement of federal legal requirements which relate to such programs.
  - Health and safety emergencies. The College may disclose information from an educational record to appropriate parties whose knowledge of the information is necessary to protect the health or safety of a student or other individual. The College must record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed.
  - Accrediting organizations and professional organizations. Designated representatives of accrediting and other professional organizations with which the College is affiliated may have access to student educational records to the extent necessary to fulfill the obligation of that affiliation.
  - Organizations conducting studies and research for LMC. The College may disclose personally identifiable information from a student's education record without



consent if the disclosure is to an organization conducting studies for, or on behalf of, the College to develop, validate, or administer predictive tests, to administer student aid programs, or to improve instruction. Requests for access to student educational records under this exception must be reviewed and approved by appropriate College personnel. Such requests will be fulfilled, if possible, by information from which all identification of the student has been removed.

The written agreement between the College and the organization conducting the study must specify the purpose, scope, and duration of the study and the information to be disclosed, must require the organization to use personally identifiable information from educational records only to meet the purposes of the study, must limit any disclosures of information to individuals in the organization who have a legitimate interest in the information, and must require the organization to destroy or return to the College all personally identifiable information within a specified time period when the information is no longer needed for the purposes of the study.

- Reporting requirements of the Carl D. Perkins Vocational and Technical Education Act, Section 113, and the Workforce Investment Act of 1998, Section 122 (the College, may use student social security numbers to compile summary reports as mandated by these acts).
- Upon request, for military recruitment purposes as stated in the Solomon Amendment of 1997, PL 104-206, Section 509(2).
- NJCAA for student athletes.
- To an alleged victim of any crime of violence of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime.

Student educational records disclosed to a third party under any of the above exceptions are subject to the condition that the third party will not permit any other party to have access to the records without prior approval from the College.

Directory Information: Directory information is information in a student's educational record which may be disclosed to outside parties without the student's prior written consent. Disclosure of directory information is generally not considered harmful or an invasion of privacy. In accordance with FERPA, LMC has designated the following student information as directory information:

- Student name, phone number(s), address, email address(es)
- Dates of attendance and enrollment status (e.g., full time, half time)
- Class (e.g., freshman, sophomore)
- Major field of study; degrees or certificates, honors, and awards received; confer dates of degrees/certificates
- Participation in officially recognized activities
- Sport, weight, height, age, and hometown of members of athletic teams and dates of participation
- Most recent previous educational institution attended

The College may disclose any of these items without prior written consent, unless notified in writing to the contrary by the student. Requests to withhold directory information must be filed with the Records Office/Office of the Registrar.

An oral or written request for a student's directory information must be directed to the Records Office/Office of the Registrar. The College reserves the right to deny any request for directory information or to charge a fee for information provided in response to a request. The College also reserves the right to request photo identification of the requesting party prior to compliance with such a request.

- **The right to request that the student's directory information not be released by LMC.** Students may request in writing to have all information, including directory information, held as confidential. When this request is made, the student record is flagged in the student information system and every reasonable effort will be made to safeguard the confidentiality of the information. The request to revoke total confidentiality shall also be made in writing and must be accompanied by photo proof of identity.
- **The right to file a complaint with the Department of Education:** A person may file a written complaint with the Department of Education concerning alleged failures by LMC to comply with the requirements of FERPA. Written complaints may be sent to the following office, which administers FERPA:

Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue, SW  
Washington DC

A timely complaint is defined by the U.S. Department of Education as an allegation of a violation of the Act that is submitted to the Family Compliance Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.

Access to educational records: While FERPA provides the right to review and inspect an educational record, it does not require the College to supply copies of the record(s) defined in such a request unless failure to do so would effectively prevent the student from obtaining access to the record(s). Further, the College is not required to provide information that is not maintained or to create educational records in response to a student's request. Accordingly, a College is not required to provide the student with updates on the student's progress in a course or in College unless such information already exists in the form of an educational record.

Parental access to student educational records: When a student reaches 18 years of age or attends a postsecondary institution, he or she becomes an "eligible student," and all rights under FERPA transfer from the parent to the student. Therefore, a student must consent to the release of his or her educational records. In the event that a student is a legal dependent, as defined by the Internal Revenue Code, the parent may **assert** the right to review the educational records, **but** upon presentation of a copy of the appropriate IRS form (most recent tax return), documenting dependent status. The College shall keep a photocopy of the IRS form in the student file.

Annual notification: LMC will notify students of their FERPA rights via publication in the College's catalog, electronic resources (LMC website, student portal), at new student orientation, publication in the student handbook, and by email.

Deceased students: The privacy interests of an individual expire with that individual's death. Since FERPA would no longer apply, discretionary review by appropriate College personnel will be used in reviewing requests for deceased students' information. All requests must be submitted in writing defining information requested and purpose of request along with a death certificate or other documentation verifying the death of the student (if the College does not already have student file recorded as deceased).

Statement of safeguarding student records: All Lake Michigan College employees are required to protect the privacy of student records and abide by the following:

- Safeguarding of student data shall be a responsibility of each staff member having knowledge of such data.
- Due care shall be exercised to protect student data from unauthorized use, disclosure, alteration, or destruction.
- Applicable federal and state laws and college policies and procedures concerning storage, retention, use, release, transportation, and destruction of student data shall be followed.
- College procedures shall be followed in reporting any breach of security or compromise of safeguards.
- Any LMC employee engaging in unauthorized use, disclosure, alteration, or destruction of student data in violation of these statements shall be subject to appropriate disciplinary action, up to and including dismissal.

**Lake Michigan College reserves the right to deny the release of a student's official transcript or copies of a student's educational record if the student has an unpaid financial obligation to the college.** However, the student is still entitled to view such records and may make arrangements with the Registrar to do so in the event that the obligation cannot be cleared in a timely manner.

**Definitions:** The following definitions apply to terms as they are used in this policy:

**Student:** All attendees of Lake Michigan College, past or present, regardless of age or status in regard to parental/guardian dependency. Students who have applied for admission but have not attended are not protected under FERPA.

**Educational Records:** Educational records are those records, files, documents, or other materials which contain information directly related to a student and are maintained by LMC or by a party acting on behalf of LMC, including any information or data recorded in any medium, including, but not limited to, handwriting, print, tapes, film, microfilm, microfiche, and any electronic storage or retrieval media.

Educational records exclude the following: sole possessions records (i.e., those records which are the sole possession of the originator and not accessible by other College personnel); employment records relating to students who are employed by LMC, unless the employment is a result of the student's status as a student; reports or records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional that are used only in connection with the treatment

of the student and are not available to anyone other than those providing such treatment; campus security records; alumni information which is not related to previous attendance as a student; records which relate exclusively to individuals in their capacity as LMC employees; financial records of the student's parent(s) or guardian(s).

**College official:** A College official is a person employed by Lake Michigan College in an administrative, supervisory, academic, research, or support staff position; a person or company with whom LMC has contracted (such as attorney, auditor, or collections agent); a person serving on the Board of Trustees; or a student serving on an official committee such as a grievance or disciplinary committee, or assisting another College official in performing his or her tasks.

**Legitimate educational interest:** A College official has legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility.

**Responsibility:** Vice President, Student Services; Registrar

**References:** Family Educational Rights and Privacy Act of 1974, 20 U.S.C § 1232g  
Solomon Amendment of 1997, PL 104-206, Section 509(2)  
Internal Revenue Code of 1954, Section 152

**Related Forms:** Information Release Authorization (FERPA)  
Directory Information Confidentiality Request  
Information Release Cancellation Request

**Related Procedures:** Student Right to Hearing for Denied Information Amendment Request  
Breach of Data Security Notification and Plan of Action  
Annual Notification of Rights  
FERPA Training for LMC Employees (Faculty and Staff)  
FERPA Training for Student Employees

### **FY '17 Board of Trustees Meeting Calendar**

The Lake Michigan College Board of Trustees revised the date of the February Workshop from February 21 to February 10, 2017 due to scheduling conflicts.

ROLL CALL VOTE

Yeas: Ms. Truesdell, Ms. Tomasini, Dr. Lindley, Mr.

Curry, Mr. Grover, Ms. Johnson, Mr. Bergan

Nays: None

Absent: None

**APPROVED**

**Presidential Candidate**

**MOTION** by Ms. Tomasini with support by Ms. Truesdell to select two of the three presidential candidates to be moved forward in the presidential search process, and to schedule additional referencing of the two final candidates. Dr. Lindley called for a vote by secret ballot. The Board of Trustees unanimously selected two candidates to move forward: Dr. Trevor Kubatzke and Dr. Jon Mandrell.

ROLL CALL VOTE

Yeas: Ms. Truesdell, Ms. Tomasini, Dr. Lindley, Mr. Curry, Mr. Grover, Ms. Johnson, Mr. Bergan

Nays: None

Absent: None


**APPROVED**

**ADJOURNMENT**

MOTION by Mr. Bergan with support from Ms. Truesdell to adjourn the Regular Meeting of the Lake Michigan College Board of Trustees at 5:15 p.m.



Michael Lindley, Board Chair



Judy Truesdell, Board Secretary