Transparent Dialogue Session 5/16/17 – Audience Questions

1. *Is there a "deeper" FERPA training for things that are considered more confidential than others? Student employees, as state employees, go through FERPA training and are under just as much of an obligation to keep things confidential.*

Response:

A "Deeper" training around FERPA is desperately needed on this campus. We have been working these past few months to develop a more targeted approach to FERPA training. The new FERPA training modules are located on a CANVAS site, and are generally available to anyone that is seeking access to the HP3000. However, the training should be required of all college employees, including student employees, with repeated training on a rotating basis every three years.

We are developing a three part approach to the new training - one for staff, one for administrators, and one for faculty. Administrators in Instruction and Student Affairs should take the administrator training and also the training for faculty, or staff as appropriate. The faculty training is available now, and the staff training will go live in June of 2017. The administrator training will not be available until the end of August 2017. In addition to the training modules, there is also a resource section that allows employees to print out quick reference information, making it easy to brush up quickly on key FERPA issues and practices.

Most of our student employees do not go through the FERPA training, but we have plans to require this in Student Affairs this coming year. Student employees who need access to the HP3000 do go through the training, but very few of our students require access to this database.

2. *Why was student representation not considered? (in the Care Team)?*

Response:

There were several conversations with students to see if they wanted to participate and they chose not to.

3. *Is there an official ranking of things that are more confidential than others?*

Response:

No, all student records have the highest level of confidentiality. It doesn't matter how important or how seemingly insignificant the information is. There is an exception for releasing designated Directory Information without the student's permission, but students have the right to withhold release of this information and if they make this request we are required to comply. Therefore, anyone giving out any information about our students (even a student's name) should check to make sure the student has not withheld release of their information. Directory Information exists so that the college can conduct its business with a fair amount of ease. For example, consider the work required to obtain permission from each student who wants their name printed in the commencement program. Without designated Directory Information, we would have to obtain that permission.

4. What if the VP is not in the office? Who do we send ICE agents to?

Response:

ICE agents usually contact the Office of International Education and Global Initiatives, the Registrar's Office in Student Central. All administrators in those areas are trained to handle ICE requests for information, including the campus FERPA Officer. The offices mentioned routinely handle ICE requests for information all the time.

5. If someone follows the process for posting a hate speech poster, what will the college do? Should we establish additional rules regarding speech/tone of posters?

Response:

All the posters (on the bulletin boards) must follow the Student Code of Conduct as well as the Affirmation of Inclusion. Additional rules will turn into censorship, which is the opposite of academic freedom. Hate speech posters will be removed immediately.

6. When does the campus have a dialogue? Is one scheduled?

Response:

This dialog needs to be ongoing; this was a start, but only a start.

7. You even got off topic and went into areas group doesn't know about and made comments which lacked understanding.

Response:

Thank you for your feedback.

8. Format was constricting – only allowing nine people to dialogue was unfortunate and why no student panelist?

Response:

There were several conversations with students to see if they wanted to participate and they chose not to.

9. If a speaker is targeting an individual that doesn't want to be publicized, is that a form of hate speech? If you are not a public figure, are you protected?

Response:

Depends on what words were used. If the person being targeted belonged to one of the protected classes and the words used were against one of the protected classes, then it would be considered hate speech.

10. *Student employees are government employees, so again, why can't they be treated like other employees and be put on the Care Team? Student employees have to go through FERPA too.*

Response:

The campus does not currently require all employees to go through FERPA training, and most of our student employees have not done so. However, you are correct in that student employees are considered the same as our other employees and are subject to the same rules. Our state's Attorney General's Office has confirmed this in the past. Whether or not a student is allowed on the CARE Team is a decision that college administration must make and it also depends on the purpose and goals of the committee.

 An important point to note here, is that not all college employees regardless of their status or job title are allowed to have access to student records simply because they have gone through FERPA training. A key requirement under FERPA related to access is that a college official have a legitimate educational interest in accessing the records. Legitimate Educational Interest is related to a person's job. In other words, to obtain access to student records, employees must need that access as a requirement of doing their jobs.

11. *How do we reconcile or address hate speech as free speech if it contradicts our mission statement or affirmation of inclusion?*

Response:

Hate speech is protected under the First Amendment. Fight speech with speech!

12. *Some institutions have "SWAT" teams to deal with any new incidents. Do we have this?*

Response:

Having a SWAT team is an idea to explore. However, currently BC does not have a SWAT team. The term SWAT team, can conjure an image of mass numbers of armed police in riot gear and armored vehicles and we would encourage steering against using this term for a college/campus response effort regardless of meaning or intention.

http://www.npr.org/2017/05/12/527985172/as-white-supremacists-push-onto-campuses-schools-wrestle-with-response

BC has a BIRST team - A Bias Incident Response team.
https://www.bellevuecollege.edu/diversity/programs/birst/

13. *My activist students are extremely unhappy with how the college is dealing with white supremacy groups posting and recruiting on campus. They don't feel the administration is responding and that information is not given out.*

Response:

Timeliness is determined by the nature of each incident as prescribed by the Clery Act. BC Administration has worked for the last two years to develop a strategy for each type of incident that needs to be communicated, but clearly this is still a work in progress.

14. *My students are trying to act on their own. There are real issues with doxing of our students. What defensive strategies do we have to help our student not be doxed. There needs to be a channel of communication to our students.*

Response:

Anyone can do a "counter to doxing" search. There are many articles out there that talk about how Doxing occurs and how to counter it. Much of the initial vulnerability starts with social media outlets that victims initiate themselves and leave their information accessible to "public" viewing. An initial counter is everyone tapped into social media apps and software should check your settings and make sure that your settings are private. Also, make sure the social media site you are using is secure and reliable. Here is a good start url: https://null-byte.wonderhowto.com/how-to/dont-get-doxed-5-steps-protecting-your-private-information-web-0133806/.

15. *FERPA is thrown around all the time, but I have never received a training in what the law means. I end up having to do research myself, or asking folks who are as ignorant as I am. When will the administration provide a website for faculty?*

Response:

As mentioned above, the faculty FERPA training is now available on a CANVAS site. We just need to roll it out to campus, which we plan to do after the staff training has been completed.

16. *Can BC create a version of the card stating our rights for both faculty and students?*

Response:

We are working with the Seattle Chapter of the ACLU and the Center for Clery to provide cards as a resource for BC faculty and staff.

17. *I submitted Maxient report but haven't heard back. What happened to the student or concern?*

Response:

Thank you for your inquiry regarding the **Report A Concern** system that uses Maxient software. The **Report A Concern** feature on the BC Website is used by the offices of Student Conduct, CARE Team, Title IX and BIRST. Individuals submitting a report can indicate the nature of the report. Reports are then

routed accordingly to the appropriate work group. If the reporter does not select the nature of the report, the form defaults to the Dean of Student Success to route to the appropriate office.

The reporting software sends an automatic message to the reporter upon submission so that they know their report was received. If a Maxient user sees that the case has been reported to the incorrect team, the user re-routes the case and informs the reporter.

Care Team Cases

A CARE case is created when a CARE Referral Form is submitted though the online case management system (Maxient).

1. A referral is assigned to a member of the CARE Team depending upon the issue indicated by the referrer for case management.
2. The assigned CARE Team member will contact the referrer to notify them the CARE referral was received.
    a. The CARE Team member will also check-in with the referrer to provide emotional support; ask any clarifying questions about the incident; and determine what resources the referrer may need from the CARE Team.
    b. The referrer is often encouraged to use their connection with the student to provide them with support before the CARE Team intervenes. Oftentimes, having a compassionate conversation with a student about a concern can go a long way in resolving the issue.
3. Depending on the case, the assigned CARE Team member may also provide coaching to support the referrer in working with the student.
    a. For example, how to let a student know they are worried about them and how to get them connected with campus resources or how to tell a student that their behavior is inappropriate, etc.
    b. If a referrer has already attempted to work with the student and that has not worked, the CARE Team member will then intervene with the student to provide support.

The CARE Team meets weekly to review cases. The time it takes to address a case varies because each case is unique. Some cases are informational (FYI) and do not require action beyond a consult with the referrer. Other cases can take a few weeks or longer to resolve. The CARE Team appreciates your patience and encourages you to stay in contact with the CARE Team member you are working with.
> ***Due to FERPA and other privacy guidelines, the CARE Team may not be able to provide detailed follow-up regarding a case.

Student Conduct Cases

Reports marked "Student Misconduct" or "Plagiarism or Cheating" are submitted directly to the Manager of Student Conduct for review. Currently, the Manager of Student Conduct handles the majority of the alleged violations of the Student Conduct Code (WAC 132H-125). In the event of a conflict of interest, the case would be assigned to another designated student conduct officer.

Upon receipt, the Manager of Student Conduct will reach out to the reporting party by phone and/or email to follow-up. The Manager of Student Conduct will check in with the reporter, collect any additional information needed at that time and provide resources and support. A discussion regarding the desired outcome will typically occur.

The nature of the report and conversation with the reporter will determine the next course of action. For example, some reports of academic dishonesty are submitted as documentation only; others are referred for disciplinary action under the Student Conduct Code. The student conduct process is outlined in detail in the Student Conduct Code (WAC 132H-125). Each case and student are unique, so the length of time can vary, based on the situation and student.

Upon review, submitted cases may not include a violation of the Student Conduct Code but can still be addressed by the CARE Team. Others may fall under the Title IX and BIRST umbrella. After consultation, those cases may be transferred appropriately

Cases and Confidentiality

The procedures for both Student Conduct and the CARE Team include contacting the referring party and providing what closure we can while staying in the bounds of FERPA regulations.   Most of the cases that have been brought to our attention by staff and faculty are past cases from the former team or they are cases involving Title IX or BIRST who also must adhere to FERPA regulations.

Our Bellevue College CARE Team has been aligned with national best practices used at other colleges and is a member of National Behavioral Intervention Team Association (NaBITA). We encourage anyone that has a question about our Care Team or Student Conduct process and procedures to contact the Dean of Student Success at Kathleen.hathaway@bellevuecollege.edu.

- A concern is reported
    - The reporter designates one of the four areas below to receive the report

CARE Team	• Works to promote safety and wellbeing of students, faculty and staff
Conduct	• Works with the alleged violations of the Student Conduct Code
BIRST	• Bias Incident Response and Support Team reviews incidents of bias, hate & prejudice
Title IX	• Title IX investigates possible issues of discrimination such as; sexual harassment, dating violence, domestic violence, stalking, gender-identity and pregnancy