
Employee's Name (Last, First, Middle)

Palomar College ID #

**Palomar College Student and Temporary Employee
Confidentiality and Software Use Certification**

I hereby certify that as an employee of the college:

- I have read and understand the attached copy of Palomar College District's Governing Board Policy AP 5040 regarding having access to student and employment records only as necessary in the performance of my job and will abide by the policy.
- I will comply with Palomar College District's User and Password Security Procedure.
- I will respect and enforce Palomar College District's Student's Rights and Privacy of Student Records as stated in the college catalog (Policy AP 5040). In addition, I will not release any information without the approval and request from my supervisor.
- I will not release any information regarding student's education records or any employee information to any person without the approval and request from my supervisor.
- I will only use the District web pages or services for legal purposes and I will not use them for services to publish post, distribute or disseminate any defamatory, obscene, or other unlawful material or information, including another's proprietary information, including trademarks or copyrighted information, without express authorization from the rights holder. In addition, I will not use the District web pages or services to collect or harvest personal information, including internet addresses about others.
- I will use the computer software system only in accordance with the license agreement and will not reproduce it.
- I shall notify my department manager or appropriate Vice President if I learn of any misuse of software or related documentation within the college.
- I understand that I will be appropriately disciplined if I am caught making, acquiring or using unauthorized copies of computer software or misusing information accessible to me.
- In accordance with the U.S. Copyright Law, illegal reproduction of software can be subject to civil damages of \$50,000 or more and criminal penalties including fines and imprisonment.
- I will not attempt, nor do any malicious act which would threaten the integrity of the District telecommunication, equipment, programs or facilities. Furthermore, I must obey federal and state laws relating to the communication or receipt of threats, harassment, obscenity or pornography.
- I will take responsibility for the content of any email that I transmit.
- I will be responsible and face legal consequences for any documents I forge, alter or misuse.

I have read and understand the above and I am aware that any non-compliance with the District's policies and procedures regarding student education records, employment records, software or hardware use, website usage, or employment responsibilities could result in loss of access, termination and/or legal action. Furthermore, non-compliance with the District's policies and procedures after leaving my employment with the District may result in legal action.

Employee Signature

Date

**Complete, Sign and Submit Only This Page
(Human Resource's Copy)**

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Family Educational Rights and Privacy Act (FERPA) known as the Buckley Amendment of 1974 Public Law 93-380---Federal Regulation 34 CFR section 99

FERPA is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under any applicable program of the U.S. Department of Education.

Section 99.31.

FERPA allows schools to disclose those records, without consent, to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.

CALIFORNIA EDUCATION CODE

**California Education Code
Division 7, Part 47, Chapter 1.5 Student Records
Article 5. Privacy of Student Records**

Section 76243

Access to records by persons without written consent of student or under judicial order:

- (a) A community college or community college district is not authorized to permit access to student records to any person without the written consent of the student or under judicial order except that access may be permitted to the following:
 - 1) Officials and employees of the community college, if that person has a legitimate educational interest to inspect a record.

PALOMAR COMMUNITY COLLEGE DISTRICT GOVERNING BOARD POLICY

**Governing Board Policy AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY
(Date Approved: April 8, 2008; Replaces current Palomar College Procedure 405)**

References:

Education Code Sections 76200 et seq.;
Title 5 Sections 54600 et seq.,
U.S. Patriot Act;
Civil Code Section 1798.85

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 Governing Board shall authorize access to student records to any person except under the following circumstances:

- Student records shall be released pursuant to a student's written consent. Student employees have access to student records only as necessary in the performance of their jobs. For example, a student employee under the supervision of a regular contract employee has access to student records on the basis of a "need to know."
- A student has access to review his/her own record and, with written permission, may receive a personal transcript or have the transcript sent to another individual or institution. Parents of minors do have access. Parents of non-minor students do not have access, except when written permission is received from the student.

"Directory information" may be released in accordance with the definitions in BP 5040 titled Student Records and Directory Information. Directory information is maintained which includes name, address, telephone number, date of birth, and class schedule information.

1. Student degrees and awards are publicized to recognize scholastic and athletic achievements in the school newspaper, or to the news media.
 2. Lists may be provided to other Palomar College departments or to colleges and universities for the expressed purpose of providing educational opportunities and financial assistance to students (names and addresses only).
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. Each student whose record is requested under a subpoena is notified in advance of compliance and will be offered an opportunity to introduce a motion to quash.
 - 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.

Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record. The institution considers the following to be "legitimate educational interest":

- Performing a task related to the student's education, related to the student's receipt of financial aid, or to the student's health and safety. For example, an agent of a financial aid funding agency, who is requesting information for determination of program eligibility, may have access to student record information on the applicant.
- Performing tasks with written consent of the student. For example, a formal committee (e.g., Academic Review Committee) has access to student records in the conduct of its deliberations because the records are germane to rendering a decision by the committee. In this case, permission is granted when the student petitions the committee to act on his/her request.
- Performing current teaching or counseling duties directly affecting the student. For example, a member of the faculty seeking information about a student currently registered in a class taught by that faculty member is construed to have legitimate educational interest and is entitled to access the student's record. The request for information about a student not registered, formerly registered, or registered in another faculty member's class, or who is a relative of the faculty member is not a legitimate educational interest and must have the written consent of the student to access the student's record. A counselor has legitimate educational interest and has implied permission to access a student's record when the student requests counseling or advising services.
- Research approved by the institution: For example, a task force, under the direction of the Superintendent/President, may have access to student records for purposes of research. Under these circumstances, the students' identities will be protected.
- 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 state or federal 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. Persons performing a task that is specified in his or her job description by contract agreement. For example, a contracted District auditor has access to student records in the performance of those duties related to the audit of a program. Likewise, a Department of Finance auditor or auditor from the Chancellor's Office has access to student records to conduct a comprehensive audit of compliance to program regulations.
- 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 Section 76225. For example, third-party contractual arrangements between the student and an agency for educational benefits may require transcripts to verify course completion. Military organizations, local fire and police agencies, and private businesses may reimburse the student or the District for enrollment fees. (See the Office of Enrollment Services for details.)

- 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. (See the Office of Financial Aid/Veterans/Scholarships Services for details.)
- 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. (See the Office of Enrollment Services for details.)
- 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.
- The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and/or the most recent previous educational institutions enrolled in by the students.

The District may be required by law to release student records to external parties. For example, student records may be requested under the California Public Records Act. In these cases, students' identities shall be removed.

Use of Social Security Numbers

Effective January 1, 2007, 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 devise; 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.

Regulations and procedures regarding student records are available in the Records Office.

Also see AP 5045 titled Student Records: Challenging Content and Access Log

Office of Primary Responsibility: Enrollment Services

Palomar College Information Services Department Employee Username and Password Security Procedure

Introduction

Departments identify and determine the role (access level) needed to perform the responsibilities of the job. As such, it is the department's responsibility to maintain the security of the system by not releasing the password to the student or hourly employee. Use of the password and access into the system is to be done only during employee's work hours and within the work area. All departmental requests for exceptions to this procedure for student or hourly employees must receive approval from the appropriate Vice President's office.

Responsibilities

1. Usernames and passwords control access to the Palomar College computer network and administrative systems. System users are accountable for all use of the district's systems accessed with their username. Active connections are to be logged-out when access is no longer required and PC's secured by password when not in use.
2. Usernames and passwords must be kept secure and confidential. System users are responsible for proper password security and maintenance, including periodic changes and password protection. Poorly chosen passwords can be easily accessed by unauthorized users and pose a serious risk to the college's computer systems.
3. Guidelines on the selection of a secure password:
 - Users will not tell another person their password.
 - Passwords will not be attached to the monitor or other obvious locations.
 - Users should choose a password that cannot be easily guessed.
 - Users must change their password if it becomes known to another person.
 - A password should consist of at least six (6) alphanumeric characters and/or symbols and include some capitalization.
4. Security of the college systems is the responsibility of all users. Authorized system users may not, under any circumstances, transfer or share their username and password to other individuals.
5. **A student or temporary employee will not be given their own username for employment purposes. Their supervisor is required to log them in to the system using a predefined username appropriate for the functions performed by the worker. The supervisor must not provide the student or temporary employee with the username or password and assumes full responsibility for their use of the system.**
Note: Students will have an individual username and password to access only Student eServices.

Disciplinary Actions

1. Any staff member, student or other person found to be transferring their username and password to other individuals or using another person's username and password either with or without their knowledge will be subject to disciplinary actions.
2. In addition to reporting the incident to the person's supervisor, disciplinary actions may result in one or more of the following:
 - Resetting the password
 - Disabling the account
 - Loss of systems use privileges
 - Termination
 - Legal Action