

MT. HOOD COMMUNITY COLLEGE DISTRICT

A regular meeting of the Mt. Hood Community College District Board of Education will be held on November 11, 2009 with a dinner meeting at 5:30 p.m. in the Town & Gown Room at Mt. Hood Community College, 26000 SE Stark Street, Gresham, Oregon.

AGENDA SESSION #806

- 1. CALL TO ORDER AND DECLARATION OF A QUORUM**
5:30 p.m. Declaration of a quorum - Beverly Russell
- 2. APPROVAL OF THE AGENDA AND CONSENT AGENDA**
6:00 p.m. 2.1 Approval of the agenda - Beverly Russell
ACTION
6:01 p.m. 2.2 Consent agenda - Beverly Russell
ACTION
See exhibits A-a-c
 - a. Approval of minutes
 - b. Financial report
 - c. Consideration of resolution to transfer budgeted appropriations
- 3. PRESENTATIONS AND REPORTS**
6:03 p.m. 3.1 Presentation by Andrea Henderson, Executive Director, Oregon
INFORMATION Community College Association
6:15 p.m. 3.2 Presentation by Cam Preus - Commissioner, Department of
INFORMATION Community Colleges and Workforce Development
6:25 p.m. 3.3 First Reading of proposal for Statewide Manufacturing Degree -
INFORMATION John J. "Ski" Sygielski / Larkin Franks
See exhibit B
6:35 p.m. 3.4 Report of the President - John J. "Ski" Sygielski
INFORMATION See exhibit C

**MT. HOOD COMMUNITY COLLEGE DISTRICT
BOARD OF EDUCATION**

DATE: November 11, 2009

EXHIBIT: A-a

ACTION

SUBJECT: APPROVAL OF MINUTES

Attached are the minutes for the October 14 board meeting.

RECOMMENDATION:

Approval of the October 14, 2009 board meeting minutes.

MT. HOOD COMMUNITY COLLEGE DISTRICT

Session #790

A regular meeting of the Mt. Hood Community College District Board of Education was held on October 14, 2009 with a regular meeting at 7:08 p.m. in the boardroom at Mt. Hood Community College, 26000 SE Stark Street, Gresham, Oregon.

1. CALL TO ORDER AND DECLARATION OF A QUORUM

- 1.1 Chair Beverly Russell called the meeting to order at 7:08 p.m. Board members present: Brian Freeman; Rod Monroe; Bob Morris; Beverly Russell; Duke Shepard; and Dave Shields. Absent: Ralph Yates.

2. APPROVAL OF THE AGENDA AND CONSENT AGENDA

- 2.1 The agenda was approved as presented.

M/ Bob Morris "to approve the following consent agenda items:

- Minutes
- Financial report
- Resolution to transfer budgeted appropriations"

The motion was seconded and approved unanimously. Supporting documentation is part of the official minutes.

3. PRESENTATIONS AND REPORTS

- 3.1 The meeting began with brief reports by Marilyn Pitts, president of the part-time faculty & tutors association (PFTA), and Pam Shields, president of the full-time faculty association. Marilyn presented a snapshot view of the PFTA leadership and introduced Kori Torheim, vice president, and Lisa Irving, steering committee member. There are 357 PFTA members and 54 are new to the College. Marilyn reported that part-time faculty & tutors in-service included nine professional development sessions with a solid attendance at all events. Pam Shields commented on the association's contribution of \$1.1 million to help the budget and read a pledge to constructive dialogue created by both management and faculty bargaining teams in 1993 during collective bargaining. She expressed the hope that the Board, faculty, administration and staff will all work together to change the culture of the College and invited Board members to visit faculty senate meetings.
- 3.2 President Sygielski introduced Ron Hitchcock, Superintendent, Multnomah Education Service District (MESD), who thanked Dr. Ski for his participation on the superintendents' council. The College is now a major partner with the superintendents' council. He then introduced Geri Washington, vice chair, and Kevin Spellman, board chair who reviewed highlights from the annual report for MESD. Dr. Ski thanked Ron for the support he has given him, and the College, this past year.

- 3.3 President Sygielski introduced Jean Aguilar, computer information systems, who was a recipient of the Part-Time Faculty Excellence in Teaching Award. Jean and Andy Gurevich, the second award recipient, were recognized at the part-time faculty & tutors in-service and both received \$250 from the College Foundation.
- 3.4 Joan Kapowich, Oregon Education Benefit Board Administrator (OEBB), presented information on the change to OEBB for healthcare. Approximately 60,000 enrolled in 2007 with a savings of approximately \$45 million the first year. In response to board questions, Ms. Kapowich reported they have a ten member board with four-year terms. They cover H1N1 and seasonal flu shots and have 17 preventative services with no co-pay. OEBB is working hard to contain costs. One new benefit that has been added is tobacco cessation, and a weight management benefit may be added soon. Beginning October 1, the legislature-approved 1% tax will cover health care for children in the state.
- 3.5 Dick Byers gave an update on the Johnson Controls Inc. (JCI) project, which is 63% complete. Over the next four days the heat will be back on and brought up to normal. By December 8 work will be completed and the calendar year's energy credits will begin to be collected. Approvals on three rebates have been received and the balance will be completed by December 8. JCI has been able to provide additional services at no charge. Energy savings so far are being determined and will be available at the next Board meeting. Dr. Ski thanked Dick, Russ Johnson and their team for all they've been doing with Go Oregon and JCI.
- 3.6 The Board reviewed in a first reading two Board Policies, a revision to the tobacco policy to reflect all College locations becoming tobacco free Jan. 2, 2010 and a new policy on identity theft mandated by federal law. In addition, a comprehensive program for implementing identity theft processes and procedures, also mandated by law, was reviewed. These will be considered for approval at the November Board meeting.
- 3.7 Dr. Ski presented a statement on the current financial situation, including the harsh realities, sacrifices made by employees, solutions to help the College move forward, internal and external communication and consequences. The complete statement is part of the official minutes and may be found on the College Web site at: www.mhcc.edu/budget.

Dave Shields concurred with the statement made by the president and stated that, with the economic reality the College is facing, program review will be instrumental. He suggested the Board request the President to prepare a process for program review that the Board can review at their January retreat. There was a consensus of the Board for the president to prepare a program review process.

4. PUBLIC INPUT

There was no public input.

5. BUSINESS

- 5.1 Following a first reading at the September Board meeting of Board Policy 1065 on establishing an Audit Committee, the Board considered approval of this policy.

M/ Duke Shepard to “approve the Board Policy 1065 as presented.” The motion was seconded and approved unanimously. Supporting documentation is part of the official minutes.

- 5.2 The Board considered a tuition waiver for the Oregon Leadership Institute (OLI), which had been presented for discussion at the September Board meeting. Larkin Franks introduced two OLI mentors, Helena Magaña and Javier Moreno, who thanked the Board for their support of OLI and for providing the tuition waiver.

M/ Brian Freeman to “approve the tuition waiver for the Oregon Leadership Institute (OLI) as presented.” The motion was seconded and approved unanimously. Supporting documentation is part of the official minutes.

- 5.3 The Board also considered a tuition waiver for the automotive program, which had also been presented for discussion at the September Board meeting.

M/ Duke Shepard to “approve the tuition waiver for the automotive program as presented.” The motion was seconded and approved unanimously. Supporting documentation is part of the official minutes.

- 5.4 Discussion was held on awarding a contract to Sierra Construction Company, the lowest responsible and responsive bidder, to remodel the space formerly used by Metropolitan Community Television (MCTV) for Information Technology (IT). Mike Hay stated technology is constantly used in every nook and cranny of the College, and the remodel is crucial if the future of the College is to be ensured. The remodel will be paid for from budgeted maintenance funds.

M/ Brian Freeman to “approve awarding a contract to Sierra Construction Company as presented.” The motion was seconded and approved unanimously. Supporting documentation is part of the official minutes.

- 5.5 Chair Russell brought a resolution to the Board urging a yes vote in January sustaining the work of the legislature to increase taxes. Duke Shepard stated a potential conflict of interest due to his job.

M/ Rod Monroe to “approve the resolution as presented.” The motion was seconded. Duke Shepard requested an amendment to include in the first paragraph that the corporate minimum tax has been \$10 since 1931. Rod Monroe, who made the motion, and Dave Shields, who seconded the motion, both agreed to the amendment. The motion was approved unanimously. Supporting documentation is part of the official minutes.

6. CLOSING REMARKS AND AGENDA ITEM REQUESTS BY BOARD MEMBERS

Brian Freeman expressed concern on the finances of the College and applauded the president for being honest in his statement to the Board. He asked that the president continue to bring information on the economic issues facing the College to the Board over the next few months. Dave Shields attended the ACCT conference and workshop sessions on budget, Board/CEO partnership, Pacific Region Caucus, PCC’s bond election presentation and a round table session on associate board committees. He asked for a consensus of the Board to allow him to submit his name to serve on an ACCT associate board committee. It was the consensus of the Board to allow this but, if there were no funds in the governing board budget, he would pay his own way to the meeting. It was also

requested that these be added to a consent agenda prior to the meetings. Bob Morris will miss the November and December Board meetings due to travel commitments. Rod Monroe filed for reelection as State Senator for District 24. Duke Shepard expressed his appreciation to Pam Shields for the document she read and asked for a copy. He asked the president and Dick Byers for more information on the seismic situation with the City of Gresham. Beverly Russell reported on the Foundation. The auction will be May 1 at the Portland Marriott on the waterfront. The Miller Foundation has offered to do another match, and she urged everyone to think about a donation before the end of the year. Dave Shields will attend the next Foundation Board meeting while she is out of town.

7. ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Clerk

Board Chair

Recorded by June Jacobs

**MT. HOOD COMMUNITY COLLEGE DISTRICT
BOARD OF EDUCATION**

ACTION

DATE: November 11, 2009

EXHIBIT: A-b

SUBJECT: APPROVAL OF FINANCIAL REPORT

The September 2009 general fund financial report is attached for Board approval. The 2009-10 beginning fund balance is estimated to be \$876,000; however, this number is pre-close, unaudited, and is subject to change. General Fund Financial Highlights for September 2009:

Revenues

Total revenues were \$1.142 million:

- Tuition and fees were \$982 thousand;
- Property taxes were \$47 thousand and other income was \$113 thousand.

Expenditures

Total expenditures were \$4.829 million:

- Personal services were \$3.822 million;
- Material and services were \$604 thousand;
- Capital outlay was \$7 thousand;
- Scholarships were \$181 thousand; transfers were \$215 thousand.

RECOMMENDATION:

Approval of the September 2009 financial report as presented.

MT. HOOD COMMUNITY COLLEGE DISTRICT
General Fund Financial Report
September 30, 2009
(Amounts in \$thousands)

	Actual		Year-to-date through Sep 30 09	Expected year ending Jun 30 10	Budget	Variance favorable (unfavorable)
	Year-to-date through 9-Aug	Month of 9-Sep				
Revenue						
State support	5,789	-	5,789	22,662	23,000	(338)
Tuition and fees	7,758	982	8,740	19,870	18,370	1,500
Property taxes	57	47	104	9,559	9,672	(113)
Other	294	113	407	2,900	5,853	(2,953)
Total revenues	13,898	1,142	15,040	54,991	56,895	(1,904)
Expenditures						
Personal services	4,961	3,822	8,783	43,900	42,866	(1,034)
Materials and services	1,081	604	1,685	7,500	9,441	1,941
Capital outlay	-	7	7	200	205	5
Debt service	550	-	550	1,269	1,268	(1)
Scholarships	210	181	391	1,147	1,157	10
Transfers	-	215	215	1,388	1,400	12
Contingency	-	-	-	-	2,058	2,058
Total expenditures	6,802	4,829	11,631	55,404	58,395	2,991
Revenues over (under) expenditures	7,096	(3,687)	3,409	(413)	(1,500)	1,087
Beginning fund balance	876	7,972	876	876	1,500	(624)
Ending fund balance	7,972	4,285	4,285	463	-	463

**MT. HOOD COMMUNITY COLLEGE DISTRICT
BOARD OF EDUCATION**

ACTION

DATE: November 11, 2009

EXHIBIT: A-c

**SUBJECT: CONSIDERATION OF RESOLUTION TO TRANSFER BUDGETED
APPROPRIATIONS**

See attached

RECOMMENDATION:

Approval of Resolution to Transfer Budgeted Appropriations.

MT. HOOD COMMUNITY COLLEGE DISTRICT
RESOLUTION TO TRANSFER BUDGETED APPROPRIATIONS

WHEREAS, on June 10, 2009, the Board of Education of Mt. Hood Community College District adopted the fiscal year 2009-10 budget and made appropriations; and

WHEREAS, the budgeted amounts appropriated for the fiscal year beginning July 1, 2009, are in excess of actual needs in certain appropriation categories and not sufficient to accommodate actual needs in others; and

WHEREAS, Mt. Hood Community College District has determined that it is necessary to make the following transfers between appropriation categories for the fiscal year beginning July 1, 2009, therefore

BE IT RESOLVED that on November 11, 2009, the Board of Education hereby transfers the following amounts between appropriation categories of funds as delineated below for the fiscal year beginning July 1, 2009.

APPROPRIATION CATEGORY	PRIOR AMENDED APPROPRIATION	CHANGE	AMENDED APPROPRIATION
GENERAL FUND			
INSTRUCTION			
PERSONAL SERVICES	26,712,592	8,000	26,720,592
MATERIALS/SERVICES	2,652,953	0	2,652,953
CAPITAL OUTLAY	20,000	0	20,000
RESEARCH			
PERSONAL SERVICES	330,048	0	330,048
MATERIALS/SERVICES	45,578	0	45,578
PUBLIC SERVICES			
PERSONAL SERVICES	19,867	0	19,867
MATERIALS/SERVICES	5,322	0	5,322
ACADEMIC SUPPORT			
PERSONAL SERVICES	2,134,191	0	2,134,191
MATERIALS/SERVICES	468,632	0	468,632
CAPITAL OUTLAY	148,314	0	148,314
STUDENT SERVICES			
PERSONAL SERVICES	4,611,989	0	4,611,989
MATERIALS/SERVICES	634,471	0	634,471
CAPITAL OUTLAY	19,235	0	19,235
INSTITUTIONAL SUPPORT			
PERSONAL SERVICES	6,525,387	0	6,525,387
MATERIALS/SERVICES	3,331,095	(33,500)	3,297,595
CAPITAL OUTLAY	12,500	0	12,500
DEBT SERVICE			
MATERIALS/SERVICES	1,268,374	0	1,268,374
FACILITY MANAGEMENT			
PERSONAL SERVICES	2,531,464	0	2,531,464
MATERIALS/SERVICES	2,302,986	0	2,302,986
CAPITAL OUTLAY	5,000	0	5,000
GRANTS IN AID			
WAIVERS	1,156,500	0	1,156,500
TRANSFERS & OTHER RQTS			
	1,400,000	0	1,400,000
CONTINGENCY			
	2,058,502	25,500	2,084,002
TOTAL GENERAL FUND	58,395,000	0	58,395,000

APPROPRIATION CATEGORY	PRIOR AMENDED APPROPRIATION	CHANGE	AMENDED APPROPRIATION
ASSOCIATED STUDENT GOVERNMENT FUND			
PERSONAL SERVICES	165,652	0	165,652
MATERIALS/SERVICES	490,457	20,000	510,457
CAPITAL OUTLAY	5,000	0	5,000
CONTINGENCY	90,491	(20,000)	70,491
TOTAL ASSOCIATED STUDENT GOVERNMENT FUND	751,600	0	751,600

MT. HOOD COMMUNITY COLLEGE DISTRICT
 Detail of Resolution to Transfer Budgeted Appropriations
 General Fund
 November 11, 2009

Effectuated Functions and/or Departments Reason for Change	Institutional		
	Instruction	Support	
	Personal services	Personal services	Contingency
<i>From Administrative Services</i>		(33,500)	
<i>To Contingency</i>			33,500
Reallocation for KMHD expenditures and remaining campus pride budget eliminated			
<i>From Contingency</i>			(8,000)
<i>To Learning Success Center</i>	8,000		
Reallocation to support modern languages tutoring			
Total	8,000	(33,500)	25,500

MT. HOOD COMMUNITY COLLEGE DISTRICT
 Detail of Resolution to Transfer Budgeted Appropriations - Other Funds
 November 11, 2009

Effectuated Functions and/or Departments Reason for Change	Materials/ services	Contingency
<u>Associated Student Government</u>		
<i>From Contingency</i>		(20,000)
<i>To Materials/Services</i>	20,000	
Reallocate budget to reflect need in assigned athletics for small equipment and supplies		

**MT. HOOD COMMUNITY COLLEGE DISTRICT
BOARD OF EDUCATION**

INFORMATION

DATE: November 11, 2009

EXHIBIT: B

SUBJECT: PRESENTATION ON STATEWIDE MANUFACTURING DEGREE

Recommendation for the MHCC Board of Education:

To approve the Statewide Basic Manufacturing Technician Certificate for Mt. Hood Community College. This certificate program would be available for enrollment beginning with the fall 2010 term. The state has previously approved this statewide certificate.

Rationale:

The Office of Community College and Workforce Development, working in conjunction with various Oregon manufacturing industry groups during the 08/09 academic year, realized the advantages of establishing a common set of knowledge and skills that are necessary for successful employment in our state's manufacturing industries. These industries are identified as high skill, high demand, high wage industries by the Oregon Bureau of Labor and Industries. The certificate's knowledge and skill set is designed to be both basic and general in nature and would establish a threshold level of skills required of potential employees for initial hiring in manufacturing industries statewide. It is also the foundation from which more advanced and specialized knowledge and skills are layered. The curriculum includes outcomes based on core concepts in each focus area. These core concepts and knowledge and skills are universally applied at all participating community colleges.

When Oregon's community college Manufacturing Technology faculties began to discuss this concept the consensus was that many of our community colleges already teach this information in various classes currently offered at several colleges. These include Clackamas, Portland, and Chemeketa Community Colleges, as well as Mt. Hood Community College.

At MHCC, the knowledge and skills are taught in ten different Integrated Metals Dept. (IMTL) courses. There are no new courses required for this certificate. It is simply packaging some of the existing basic, entry level courses in either the IMTL - Welding Technology program or IMTL-Machine Tool Program. Some of the courses in this program are eligible for articulated credit if the student's high school has an approved articulation agreement and the student meets the provisions of that agreement.

The certificate curriculum includes three focus areas, Welding Technology, CNC Mill Operation and Machine Tool Technology. Students select the focus area of their choice and complete a required core of five common knowledge and skill areas (17 credits) plus two focus area electives (3-8 credits depending on the focus area they've selected). The total credits for the certificate vary from college to college with MHCC's program totaling 20-25 depending on the focus area.

Enrollment History

The enrollment history for Integrated Metals is quite short since this "hybridized" program's initial offering was for fall term, 2008. A better view of enrollment history pertaining to the Basic Statewide Manufacturing Certificate comes from our long-running Machine Tool and Welding Technology programs. These two "stand alone" programs now form the instructional source of the IMTL degree program and allow those who seek a broader knowledge and skill base to combine the key skills from

each through the proposed certificate. These two “stand alone” programs will also provide nine of the ten courses necessary for the new certificate. The tenth course is a Technical Math course. The three year enrollment history* of students enrolled in the component IMTL courses that are packaged to form the Basic Statewide Manufacturing Certificate program are as follows:

academic year 2006/7 : 236

academic year 2007/8 : 415

academic year 2008/9 : 404

*Duplicated headcount

Wage and Labor Market Information

The 2009 OLMIS Occupational Report for Welders and related occupations lists a median hourly wage for Multnomah and Washington counties at \$18.27 and an average annual income of \$38,190. The same source shows 2009 information for Machinists and related occupations at a median hourly wage of \$19.71 and average annual income of \$42,391 for Multnomah and Washington counties.

The 2009 OLMIS Labor Market Information Report for occupations related to the Basic Statewide Manufacturing Certificate in Multnomah and Washington Counties projects a 12.2 % increase in employee positions from 2006 figures to projected 2016 figures. The actual number of positions rose from 403 to a projected 452. These 49 positions are classified as growth in the labor market with an additional 100 estimated as replacement openings due to retirements, etc.

Conclusion

The approval of this program will allow Mt. Hood Community College to participate in training Oregon’s future manufacturing industry personnel and through the approval of this certificate, enable our employers to quickly ascertain the basic knowledge and skill level of job applicants and potential employees.

**MT. HOOD COMMUNITY COLLEGE DISTRICT
BOARD OF EDUCATION**

INFORMATION

DATE: November 11, 2009

EXHIBIT: C

SUBJECT: PERSONNEL ISSUES

This report outlines activity for the month of October 2009.

NEW EMPLOYEES:

Support

Bates, Meghan	Bus Driver	CDFS (Head Start)	10/7/09
Bright, Jonielle	Family Support Specialist Associate	CDFS (Parents as Teachers)	10/5/09
Mahjoub, Mejd	Billings and Collections Specialist	Accounting Services & Collections	10/13/09
Preisch, Halle	Teacher	CDFS (Head Start)	10/13/09
Webster, Stephanie	Teacher	CDFS (Head Start)	10/13/09

TRANSFERS/CHANGE IN STATUS:

Administrators

Bolesta, Rick	Dean of Instruction (Interim)	Science	9/1/09
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**MT. HOOD COMMUNITY COLLEGE DISTRICT
BOARD OF EDUCATION**

DATE: November 11, 2009

EXHIBIT: D

ACTION

SUBJECT: CONSIDERATION OF BOARD POLICIES

Policy 5042: new policy “**Tobacco Free Environment**” (implementation 1-2-10)

Policy 5042 is an expansion of the current policy 5040, which had been combined as “Drug-, Alcohol-, Tobacco-, Firearm-Free Workplace.” This new policy will be implemented January 2, 2010.

Policy 4100: new policy “**Identity Theft Prevention and Response Program**”

Policy 4100 is in response to a new federal law mandating the College to develop and adopt an Identity Theft Prevention and Response Program and Policy pursuant to the Oregon Identity Theft Protection Act (Oregon Revised Statute 646A.600 to 646A.628) and the Federal Trade Commission’s Red Flags Rule (“Rule”), which implements sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003; Federal Regulation Code from 681.2 to 681.1.

The Identity Theft Prevention and Response Program is attached (following Policy 4100).

RECOMMENDATION:

Approval of Board Policies and Identity Theft Prevention and Response Program as presented.

Tobacco-Free Environment

Mt. Hood Community College (MHCC) is committed to providing a safe and healthy environment for its employees, students and visitors. All College locations will be tobacco free beginning January 2, 2010, including but not limited to the Gresham Campus, Maywood Park Campus, Steps to Success and The Bruning Center for Allied Health. Consequently, use, distribution, or sale of tobacco, including any smoking device, or carrying of any lighted smoking instrument, in College buildings or on any College premises, at events on College premises, or in any vehicles on College properties, including College-owned, rented or leased vehicles on or off College premises, is prohibited without exception.

For the purpose of this policy, “tobacco” is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette and any other smoking product; and smokeless or spit tobacco, also known as dip, chew, snuff or snus, in any form.

All College employees, students, visitors, vendors and contractors are required to comply with this policy, which will remain in force at all times. Fair and uniform fines for violations of these rules will be set by the College and adequate means for the enforcement and collection of such fines will be provided.

No tobacco-related advertising or sponsorship shall be permitted on College property, at College-sponsored events or in publications produced by the College, with the exception of advertising in a newspaper or magazine that is not produced by the College and which is lawfully sold, bought or distributed on campus property.

The College will neither solicit nor accept any grant, gift or anything else of value from a manufacturer, distributor or retailer whose principal business is tobacco products.

The College president will develop administrative regulations as necessary to implement this policy, including provisions for notification, signage, fines, disciplinary consequences, complaint procedures and enforcement.

END OF POLICY

Legal Reference(s):

[ORS 163.575\(1\)\(d\),\(e\)](#)
[ORS 192.710](#)
[ORS 341.290\(2\)](#)
[ORS 336.222](#)
[ORS 336.227](#)
[ORS 339.240](#)

[ORS 339.250](#)
[ORS 431.840](#)
[ORS 431.845](#)
[ORS 433.835 - 433.990](#)
[OAR 581-021-0050 to -0075](#)

[OAR 581-022-0413](#)
[OAR 581-021-0110](#)
[OAR 581-053-0015](#)
[OAR 581-053-0545\(4\)\(c\)\(R\)-\(T\)](#)
[OAR 581-053-0550\(5\)\(q\)-\(s\)](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006).

American Lung Association of Oregon (ALAO)

The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General (2006)

U.S. Department of Health and Human Services

Centers for Disease Control and Prevention

National Center for Chronic Disease Prevention and Health Promotion

Office on Smoking and Health, 2006

IDENTITY THEFT PREVENTION AND RESPONSE PROGRAM

Mt. Hood Community College (MHCC), in order to comply with state and federal laws and to protect students, staff and community from identity theft, has developed and implemented an identity theft prevention and red flags alert program that identifies, detects and appropriately responds to suspected or real incidents of identity theft.

END OF POLICY

Mt. Hood Community College

Policy: 4100

Subject: Identity Theft Prevention and Response Program

Date Approved by Mt Hood Community College District Board of Education:

I. PROGRAM ADOPTION

Mt. Hood Community College (MHCC) has adopted an Identity Theft Prevention and Response Program (“Program”) pursuant to the Oregon Identity Theft Protection Act (*Oregon Revised Statute § 646A.600 to § 646A.628*) and the Federal Trade Commission’s Red Flags Rule (“Rule”), which implements *sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003; Federal Regulation Code from § 681.1 to § 681.3.*

II. BACKGROUND

The risk to the College, its employees and students from data loss and identity theft is of significant concern to the College and can be reduced only through the combined efforts of every employee.

III. PROGRAM PURPOSE

To comply with state and federal laws and to protect students, staff and community from identity theft, MHCC has developed and implemented an identity theft prevention and red flags alert program that identifies, detects and appropriately responds to suspected or real incidents of identity theft.

IV. PROGRAM ELEMENTS

A. Preventing Identity Theft

Each employee performing work for the College will comply with the following:

1. Electronic Data Distribution

- a. Choose a strong password containing a combination of alphabetic, numeric and punctuation characters for computer access and telecommunication devices such as Blackberries and other handheld devices;
- b. Encrypt and password protect any sensitive information sent externally. Send only to approved recipients.
- c. Ensure that the College Web site, when used to access covered accounts, is secure or provides clear notice to all users that the Web site is not secure. Secure Web sites must be audited to ensure that they remain secure;
- d. Secure any sensitive information removed from the workplace; and
- e. Use approved College e-mail to transmit sensitive information. The statement below should be included in *all* e-mails:

“This message may contain confidential and/or proprietary information and is intended for the person/entity to which it is originally addressed. Any use by others is strictly prohibited.”

2. Hard Copy Distribution

- a. Clear all desks, workstations, work areas, printers, fax machines and common work areas of all documents containing sensitive information when not in use or unsupervised;
- b. Erase and/or remove chalk- or dry-erase boards when sensitive information is on them and they are not in use;
- c. Lock, when not in use, unsupervised or at the end of the work day, file cabinets, desk drawers, overhead cabinets, storage rooms, record retention areas and any other storage space containing documents with sensitive information; and
- d. Shred, or place inside a locked shred bin, any documents containing sensitive information that are to be discarded. All records will be destroyed in accordance with Oregon Revised Statute policies.

B. Identification of Red Flags

The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag is apparent, it should be investigated for verification by the program administrator or designee.

1. Notifications and Warnings From Reporting Agencies

- a. Indication from a credit report of activity that is inconsistent with an applicant's usual pattern or activity. (*§ 334.82(b) of the Fairness and Accuracy in Credit Transactions Act*).
- b. Notice or report from a credit agency of a credit freeze on an applicant;
- c. Notice or report from a credit agency of an active duty alert for an applicant;
- d. Receipt of a notice of address discrepancy in response to a credit report request; and
- e. Report of fraud accompanying a credit report.

2. Suspicious Documents

- a. Application for service that appears to have been altered or forged.
- b. Identification document or card that appears to be forged, altered or inauthentic;
- c. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document; and
- d. Other document with information that is not consistent with existing person information (such as if a person's signature on a check appears forged).

3. Suspicious Personal Identifying Information

- a. Address or phone number presented that is the same as that of another person;
- b. Failure of a person to provide complete personal identifying information on an application when reminded to do so (however, by law, social security numbers must not be required);
- c. Identifying information presented that is inconsistent with other information the person provides (example: inconsistent birth dates);
- d. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
- e. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
- f. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);

- g. Identifying information of a person is not consistent with the information that is on file for the person; and
- h. Social security number presented that is the same as one given by another person.

4. Suspicious Covered Account Activity or Unusual Use of Account

- a. Account used in a way that is not consistent with prior use (example: very high activity);
- b. Breach in the College's computer system security;
- c. Change of address for an account followed by a request to change the account holder's name;
- d. Mail sent to the account holder is repeatedly returned as undeliverable;
- e. Nonpayment when there is no history of late or missed payments;
- f. Notice to the College that a person is not receiving mail sent by the College;
- g. Notice to the College that an account has an unauthorized activity; and
- h. Unauthorized access to or use of the person's account information.

C. Detecting Red Flags

In order to detect the red flags for a *new or existing* account, College personnel will:

1. Existing Covered Accounts

- a. Verify identification of persons if they request information (in person, via telephone, via facsimile, via email);
- b. Verify validity of requests to change address by mail or e-mail and provide the individual a reasonable means of promptly reporting incorrect billing address changes; and
- c. Verify accuracy of any banking information changes that impact billing and payment.

2. Opening New Covered Accounts

- a. Verify identifying information such as name, date of birth, academic records, home address or other identification;
- b. Verify the individual's identity by reviewing a driver's license or other government issued photo identification.

D. Possible Action Steps

Notice to the College from an employee, student, alumni, donor, identity theft victim, law enforcement or other person regarding possible identity theft will be addressed by the program administrator. The program administrator will determine the appropriate response actions, if any, upon detection of red flags or report of identity theft. Such actions may include but are not limited to:

- a. Change any passwords, security codes or other security devices that permit access to a covered account;
- b. Close an existing covered account;
- c. Contact the person who "owns" the covered account;
- d. Determine that no response is warranted under the particular circumstances.
- e. Do not open a new covered account;
- f. Notify law enforcement; or
- g. Reopen a covered account with a new account number.

The program administrator will log all reported identity theft and red flag detections, along with the actions taken, to be included in the annual report for president's cabinet review.

V. PROGRAM ADMINISTRATION

A. Authority and Responsibility

1. The vice president of administrative services will be designated as program administrator and is responsible for developing, implementing, assessing and updating the Program. The program administrator will also develop, maintain and facilitate a training program, ensure compliance of College staff and review any red flag detection reports initiating the appropriate response actions. The program committee, see Appendix A, will assist the program administrator.
2. In the event College personnel detect any identified red flags or related suspicious activity, such personnel shall report it immediately to the program administrator who will conduct further investigation and initiate the appropriate response actions. Additionally, electronic breaches, regardless of the data type, must be reported to the vice president of information technology. Depending on the nature of the breach, other areas of the College may be involved, as designated by the program administrator.

B. Service Provider Arrangements

In the event the College engages a service provider to perform an activity in connection with one or more covered accounts, the College will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the College's program and report any red flags to the program administrator or the College employee with primary oversight of the service provider relationship.

C. Staff Training

All College staff shall be responsible for preventing, detecting and responding to identity theft protection or red flags and shall be trained under the direction of the program administrator.

D. Program Updates

The program will be reviewed and updated to reflect changes in risks to students and the College from identity theft. In doing so, the program administrator will consider the College's experiences with identity theft situations, changes in identity theft methods, changes in identity theft detection and prevention methods and changes in the College's business arrangements with other entities. After considering these factors, the program administrator and program committee will determine whether changes to the program are warranted and report noted changes to president's cabinet.

E. Program Definitions

See Appendix B for program definitions.

Appendix A

Mt. Hood Community College (MHCC) Responsible Areas for the Identity Theft Prevention and Response Program

The following areas of the College have been determined to be responsible for and support the Program Administer in creating, implementing and annually updating the MHCC Identity Theft Prevention and Response Program. The Program Committee may consist of:

- Business Office
- Financial Aid Office
- Human Resources Office
- Risk Management Office
- Safety and Security Management Office
- Student Success and Enrollment Management Office

Resources:

- Department of Consumer and Business Services
- Federal Trade Commission
- Green University
- University of Connecticut
- University of Puget Sound

Appendix B

Program Definitions

- **Account.** A continuing relationship established by a person with a financial institution or creditor to obtain a product or service for personal, family, household or business purposes.
- **Covered Account.** An account that a creditor offers or maintains for personal, family or household purposes that involves or is designed to permit multiple payments or transactions, including all student, alumni, donor accounts or loans that are administered by the College. A covered account is also an account for which there is a foreseeable risk of identity theft.
- **Credit.** The right granted by a creditor to a debtor to defer payment of debt, to incur debts and defer its payment, to purchase property or services and defer payment therefore.
- **Creditor.** Any entity that regularly extends, renews, or continues credit; any entity that regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who is involved in the decision to extend, renew, or continue credit.
- **Identity Theft.** Fraud committed or attempted using the identifying information of another person without authority.
- **Personally Identifiable Information.** A person's name in combination with a Social Security number, Oregon driver's license number or Oregon identification card number, passport number, financial, credit or debit card numbers along with security or access codes or password that would provide access to a financial account.
- **Program Administrator.** The individual designated with primary responsibility for oversight of the program.
- **Program Committee.** Representatives from identified departments (Appendix A) responsible for supporting the program administrator in creating, implementing and annually updating the program.
- **Oregon Identity Theft Protection Act.** Oregon legislative law requires businesses, organizations, government agencies and individuals that collect and maintain personal identifying information to ensure the security of that information. *Oregon Revised Statute § 646A.600 to § 646A.628.*
- **Red Flag.** A pattern, practice, or specific activity that indicates the *possible* existence of identity theft.
- **Red Flags Rule.** Federal law that requires any business with a covered account to recognize fraudulent activity and report that activity to the appropriate authority. *Federal Regulation Code from § 681.1 to § 681.3.*

**MT. HOOD COMMUNITY COLLEGE DISTRICT
BOARD OF EDUCATION**

DATE: November 11, 2009

EXHIBIT: E

ACTION

**SUBJECT: CONSIDERATION TO AUTHORIZE ADMINISTRATION TO NEGOTIATE
EASEMENT FOR CITY OF GRESHAM**

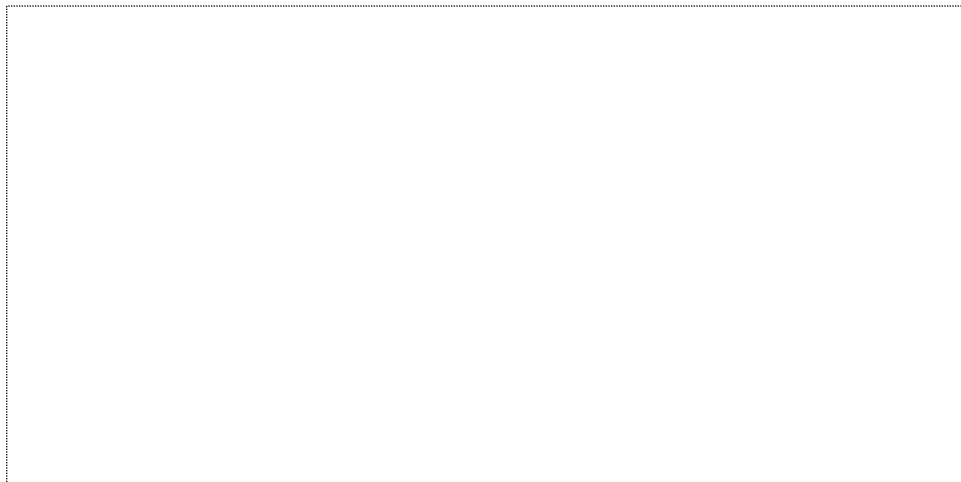
The City of Gresham has requested the Board authorize administration to negotiate with the City for the purpose of granting perpetual exclusive easement to MHCC property, which is to be used for public sewage conveyance purposes only as outlined in the attached draft exhibits supplied by the City of Gresham.

RECOMMENDATION:

Approval to authorize administration to negotiate a perpetual exclusive easement for the City of Gresham as presented.



This Box For Multnomah County Recording Use Only



AFTER RECORDING RETURN TO:
Titles, Liens & Collections
Recording Services
City Of Gresham
1333 N.W. Eastman Parkway
Gresham, Or 97030-3813

SEND FUTURE TAX STATEMENTS TO:
No Change

PERPETUAL EASEMENT
Capital Improvement Project

DRAFT

Project Name: College Pump Station Replacement
Project Number: CIP 317900

Mt. Hood Community College (GRANTOR), grants to the City of Gresham, a municipal corporation of the State of Oregon, a perpetual exclusive easement for public purposes on, over and under the following described real property situated in Multnomah County, Oregon:

SEE EXHIBIT "A"
[Legal description to be completed during final design]

The easement property shall only be used for public sewage conveyance purposes. The consideration for this easement will be based upon a property appraisal.

EASEMENT TERMS AND CONDITIONS

1. The purpose of the easement is for the City of Gresham to construct, operate, inspect, maintain, repair and reconstruct facilities now and in the future related to the purpose stated above. This may include one or more underground pipelines as well as vaults, manholes, power lines, telemetry lines, poles and other appurtenances above and below the ground as necessary for the purpose stated above.
2. The City of Gresham, its employees, agents, contractors, and invitees shall have access to and the right to enter the easement property at any time for the purposes of the easement. This includes the reasonable right of ingress to and egress from the easement property through the property of the GRANTOR.

3. All landscaping and improvements within the easement not owned by the City of Gresham are the sole responsibility of the GRANTOR.
 - a. The GRANTOR shall maintain the surface of the easement property. This includes clearing any landscaping or improvements that obstruct operation of the public facility or the unrestricted ingress, egress or use of the easement property by the City of Gresham for construction, reconstruction, inspection, repair and maintenance of the public facility.
 - b. The GRANTOR shall not make any grade changes in excess of one (1) foot in elevation, and exposed utilities may not be covered or buried.
 - c. The unimproved surface of the easement property shall be restored by the City of Gresham within a reasonable time after completion of construction, reconstruction, inspection, repair or maintenance to a condition equal to the condition of the unimproved easement property immediately prior to the work. The City of Gresham is not responsible for the restoration or replacement of landscaping or improvements such as fences, out buildings, trees, flowers, and shrubs.
 - d. It is the responsibility of the GRANTOR to replace or reinstall landscaping and improvements in the easement property removed by the City of Gresham during the construction, reconstruction, inspection, repair or maintenance of the public facility.
4. The following are allowed in the easement:
 - a. Landscaping which by its nature is shallow rooted and may be easily removed to permit access to the public facilities located in the easement including shrubs capable of reaching no more than four (4) feet in height within 20 years.
 - b. Fencing that meets all land use and building code requirements and does not restrict access to or through the easement.
5. The following are prohibited in the easement unless prior written consent of the Director of the Department of Environmental Service is obtained:
 - a. Development, improvements and activities including, but not limited to, buildings (includes overhanging structures and footings), other structures or features, culverts, retaining walls, fencing that restricts access to or through the easement, construction of any type, excavations, fills, material disposal or storage, vehicle storage, vehicle parking or tree planting.
 - b. Facilities or easements of other utilities, including but not limited to, pipelines, overhead wires, service drops and any pole, tower or other structure supporting overhead wires.
 - c. All other uses not specifically allowed by this easement.
6. Within the easement property, the GRANTOR shall not store, use, manufacture, dispose of nor allow the migration onto the easement property any materials that are hazardous or constitute a public health hazard as defined by law.
7. GRANTOR warrants that 1) GRANTOR has marketable title to the easement property, 2) the City of Gresham may peaceably enjoy the rights and benefits of this easement, 3) there are no other interests in the property which conflict with the City's intended use of this easement, 4) the easement property is free of encumbrances except those of which GRANTOR has notified the City of Gresham, and 5) GRANTOR has the unrestricted right to grant this easement without additional consent or permission.
8. This easement shall bind and inure to the benefit of the immediate parties and their respective heirs, executors, administrators, successors, and assigns.
9. To the extent allowed by law, the City of Gresham shall indemnify, hold harmless and defend GRANTOR from all claims arising out of the City of Gresham's use of the easement property. To the extent allowed by law, GRANTOR shall indemnify, hold harmless and defend the City of

Gresham and its employees, agents, contractors and invitees from all claims arising out of GRANTOR's use of the easement property.

GRANTOR

(Signature)

State of Oregon)
) ss
County of Multnomah)

(INDIVIDUAL) This instrument was acknowledged before me on _____ by
_____.

(REPRESENTATIVE) This instrument was acknowledged before me on _____ by
_____ as
_____ of _____.

Notary Public for Oregon
My Commission Expires: _____

ACCEPTED BY THE CITY OF GRESHAM

City Manager

APPROVED AS TO FORM

City Attorney

TEMPORARY CONSTRUCTION EASEMENT

Project Name: College Pump Station Replacement

Project Number: CIP 317900

Mt. Hood Community College (GRANTOR), grants to the City of Gresham, a municipal corporation of the State of Oregon, a temporary exclusive construction easement for public purposes on, over and under the following described real property situated in Multnomah County, Oregon:

SEE EXHIBIT "A"

[Legal description to be completed during final design]

This easement shall only be used for the original construction of public sanitary sewer facilities by the City of Gresham or its contractors. This easement shall expire on December 1, 2010.

The consideration for this easement will be determined based on a property appraisal.

EASEMENT TERMS AND CONDITIONS

1. The purpose of this Temporary Construction Easement is for the City of Gresham to construct public facilities related to the purposes stated above. The City of Gresham shall have exclusive use of the easement property during the term of this Easement. Such use includes, but is not limited to, excavation and removal of soil, installation of facilities, the storage of equipment, machinery and supplies and use as a staging area for construction.
2. The City of Gresham, its employees, agents, contractors, and invitees shall have access to and the right to enter the easement property at any time.
3. The surface of the property shall be restored by the City of Gresham within a reasonable time after completion of construction to a condition equal to or better than the condition of the easement property prior to the work.
4. GRANTOR warrants that 1) GRANTOR has marketable title to the easement property, 2) the City of Gresham may peaceably enjoy the rights and benefits of this easement, 3) there are no other interests in the property which conflict with the City's intended use of this easement, 4) the easement property is free of encumbrances except those of which GRANTOR has notified the City of Gresham, and 5) GRANTOR has the unrestricted right to grant this easement without additional consent or permission.
5. This easement shall bind and inure to the benefit of the immediate parties and their respective heirs, executors, administrators, successors, and assigns.
6. To the extent allowed by law, the City of Gresham shall indemnify, hold harmless and defend GRANTOR from all claims arising out of the City of Gresham's use of the easement property. To the extent allowed by law, GRANTOR shall indemnify, hold harmless and defend the City of Gresham and its employees, agents, contractors and invitees from all claims not arising out of the City of Gresham's use of the easement property.

GRANTOR

(Signature)

State of Oregon)
) ss
County of Multnomah)

(INDIVIDUAL) This instrument was acknowledged before me on _____ by
_____.

(REPRESENTATIVE) This instrument was acknowledged before me on _____ by
_____ as
_____ of _____.

Notary Public for Oregon
My Commission Expires: _____

ACCEPTED BY THE CITY OF GRESHAM

City Manager

APPROVED AS TO FORM

City Attorney