

From: CCC Research and Planning Group [<mailto:RP@LISTSERV.CCCNEXT.NET>] **On Behalf Of** PETERSON_LEE
Sent: Thursday, May 23, 2013 7:52 PM
To: RP@LISTSERV.CCCNEXT.NET
Subject: Re: Making Program Review Public

All program review documents at public colleges in California are already “public”, because program review materials are public documents available to anyone making a California Public Records Act (CPRA) request. The applicable law starts at Government Code section 6250. The ease of accessibility may vary, because some colleges may not be aware of or in compliance with long-standing state law.

Your district’s legal counsel will be able to confirm the “public records” nature of your program review documents. Ours did a decade ago when the classified employee union realized it could make stronger arguments for improved procedures and enhanced working conditions, better defend employees given unjustified disciplinary (diversionary) memos, head off potential layoffs, get more accurate job descriptions, and be more productive in shared governance by reading these documents as needed (although it’s a lot of work). The union discovered that the Public Records Act has a strict legal deadline on how quickly the requested documents must be made available. This solved the union’s information problem with a previous college administration that stonewalled document requests made under the collective bargaining law’s weak requirement for sharing information “necessary and relevant” to representation and bargaining.

At first, program review materials in our district were made available via paper documents in the library faculty/staff reserve collection. Then, soon after, electronic copies were emailed to anyone asking. Since 2011, the department self-study and program review committee report (a “program review executive summary”) have been put online for easy access and immediate response at: <http://www.smc.edu/ACG/AcademicSenate/AScommittees/Pages/Program-Review.aspx> . It certainly enhances the claim that our college is open and transparent as well as making decisions based on evidence.

An easy-to-read summary of the California Public Records Act is available at: <http://www.thefirstamendment.org/publicrecordsact.pdf> . (Many other states have similar laws.)

OTHER RELEVANT LAWS

Furthermore, after a query by a political science professor, our district legal counsel concluded that our academic senate’s standing committees – including Program Review -- are all covered by the California Public Meetings Act (Brown Act), which makes documents reviewed in committee meetings subject to disclosure under that law as well. The statewide Academic Senate published an interesting article regarding committees: <http://www.asccc.org/content/herding-cats-local-senates-brown-act> . The Los Angeles County Office of Education publishes a lengthy annual guide to the current Brown Act at: <http://www.lacoe.edu/Portals/0/Board/2012%20Brown%20Act%20Guide.pdf>

In order to explain the importance of transparency to skeptics, one might quote the state constitution’s Article 1, section 3 (b) (1): “The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” (This was part of Proposition 59, approved overwhelmingly by the voters in 2004.)

COMMON COLLEGE DATA WHICH MAY POSSIBLY BE EXEMPTED FROM DISCLOSURE AS PUBLIC RECORDS. (Verify any specific instances with legal counsel.):

1. “[r]ecords of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, ... any ... local police agency, or any investigatory or security files compiled by any other ... local police agency, or any investigatory or security files compiled by any other ... local agency for correctional, law enforcement, or licensing purposes”. (This quote is embedded in a subsection of the very lengthy Government Code section 6254.)

2. "(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code." (This is also a subsection from Government Code section 6254.)

3. "an information security record of a public agency, if, on the facts of the particular case, disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency." (Government Code section 6254.19)

4. Library patron records (patron names, material checkout history, etc.) except that the exemption does not include "statistical reports of patron use nor to records of fines collected by the library." (Govt. Code section 6267)

Let the sunlight shine on our worthy public colleges, which have nothing to fear from the truth!

Lee Peterson
Academic Computing Department
Santa Monica College
1900 Pico Boulevard
Santa Monica CA 90405

From: CCC Research and Planning Group [<mailto:RP@LISTSERV.CCCNEXT.NET>] **On Behalf Of** Voelcker, Aaron

Sent: Thursday, May 23, 2013 11:47 AM

To: RP@LISTSERV.CCCNEXT.NET

Subject: Making Program Review Public

Dear Colleagues,

My institution is throwing around the idea of making public all of our completed program reviews for instructional programs, student support programs, and administrative departments. How many of you have done something similar at your institution, whether it is the full document or an executive summary? For those of you that have, what prompted your institution to make these documents public and have you observed a benefit in doing so? For those of you at institutions that have not shared these documents with the public, was it a conscious decision or something your institution just has not gotten around to yet?

Any insight you can provide would be greatly appreciated. I tend to want to err on the side of transparency but we also don't want transparency to come at the price of authentic evaluation of our programs.

Best,

Aaron J. Voelcker
Assistant Dean, Institutional Effectiveness & Assessment
Santiago Canyon College
8045 E. Chapman Avenue
Orange, CA 92869
Room A-213
(714) 628-4990

To access the archive of emails from the RP Listserv go to the following URL: <http://listserv.cccnext.net/archives/rp.html>