

III:15:11 USA PATRIOT ACT COMPLIANCE

Introduction and Statutory Basis

The Patriot Act (Public Law 107-56 (2001)) is designed to broaden the surveillance of law enforcement agencies to enhance the detection and suppression of terrorism. Under the provisions of this Act, it is the duty of this College to provide information, records, documents, and other information to law enforcement agencies under the authority of a valid court order, subpoena or other authority.

The records obtainable by law enforcement under the Act include, inter alia, records of borrowed print material from the College library, records of Internet site access, electronic mail communication records, and telephone records. The Act also authorizes the installation of electronic monitoring devices to assess computer and telephone usage.

Statement of Policy

While Higher Education has historically supported freedom of expression and all other forms of personal freedom, it is the policy of this College to comply fully with the Patriot Act in the suppression of terrorism.

Inasmuch as the Patriot Act concerns matters potentially affecting the life and death of American citizens and whereas this College is a creature of the State of Tennessee and further whereas the State of Tennessee is part of the Union that comprises the United States of America, it is the stated policy of this College that official requests under the authority of the Patriot Act will be complied with promptly, fully, and completely.

Upon Receipt of a Request Invoking the Patriot Act

The College Registrar will serve as the single point of contact for compliance with the Patriot Act. When an employee encounters a law enforcement official on the campus or receives a written request for the production of records under the Act, the requestor or written request will immediately be taken to the Office of the College Registrar.

After normal hours, initial contact will be made with Campus Police. The Chief of Campus Police, or his/her designee, will, when permissible, immediately contact the Evening Administrator on duty, President, College Registrar, and the Office of General Counsel to facilitate a prompt response to an afterhours request for records on the next business day.

Upon receipt of request invoking the Patriot Act during normal business hours, the College Registrar will notify the applicable Vice President and Chief of Campus Police, that the request has been received. Consultation with the Chief of Campus Police is

effected in case the request requires any action on the part of law enforcement apart from the production of records and to keep the Chief of Campus Police informed of ongoing law enforcement activity on the campus. Consultation with the Vice President of Business and Finance is effected in case the request requires any action on the part of Information Technology or in the event a Federal lawsuit is involved.

The College Registrar will immediately establish telephone contact with the Office of General Counsel at the Tennessee Board of Regents and fax a copy of the request for records to the General Counsel. In consultation with General Counsel, the College Registrar will determine how best to provide the requested records. The College Registrar shall have no authority to refuse any request under the Act. Refusal is reserved to the Office of General Counsel and to the Tennessee Board of Regents exclusively.

Once the request has been complied with, the Office of the President will receive a report detailing the contents of the request and the complete nature of the response. In the event of non-compliance upon the advice of the Office of General Counsel, the Office of General Counsel is requested to provide a report of its action on the request to the Office of the President who will distribute copies of the report to the President's Cabinet, the College Registrar and the Chief of Campus Police. Such reports are subject to limitation if there is a "gag" order in connection with the request for records.

Confidentiality Requirements

All employees involved in the processing of requests for records under the provisions of the USA Patriot Act are required to maintain the confidentiality of such requests made by law enforcement officers. Specifically, if a search warrant contains a "gag" order [an instruction to the employee not to discuss the matter that is the subject of the request for records], even so much as a disclosure of the very existence of the request is forbidden. It is therefore required that all employees maintain the strict confidentiality of any interaction with law enforcement officials and / or any knowledge of court orders pertaining to requests for records under the Patriot Act.

The only exception to this rule of confidentiality is a legitimate disclosure on a need to know basis to those directly involved in responding to a request for records under this Act. Such disclosures will be coordinated with the Office of General Counsel.

Education Requirements

Initial training was provided for all employees prior to September 15, 2003 as required by law. Since that time all new hires are provided a copy of this policy by the Director of Human Resources during new employee orientation and to all adjunct instructors by inclusion in the Adjunct Faculty Handbook.

Reporting Requirements

The College Registrar will prepare a report to the President's Cabinet annually on August 1st, consisting of the following:

- The number of documentary requests received under the authority of the USA Patriot Act with action thereon taken, excluding any reference to documentary requests accompanied by a "gag" order preventing the disclosure of the existence of the court order and / or any documentation provided in compliance therewith.
- The number of requests received from the hands of law enforcement personnel together with the action thereon taken, subject to the same confidentiality requirements immediately above.

In the event there are no requests received either in the form of a document or from the hands of a law enforcement official, a negative report is not required.

VSCC Source: Former VII:01:25, July 1, 2003, President's Cabinet; January 9, 2009, President's Cabinet