

Procedure
STUDENT RECORDS
(Family Educational Rights and Privacy Act)

I. SCOPE OF ACT

The Family Educational Rights and Privacy Act (FERPA) of 1974 is designed to protect the privacy of education records, to establish the right of students to inspect and review their records, and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students also have the right to file complaints with the U.S. Department of Education's Family Policy Compliance Office concerning alleged failures by the College to comply with the Act. Notices regarding the availability of this publication informing students of these rights are published in the College's quarterly schedule, catalog, student handbook, and on the College's web site.

Definition of Educational Records

Educational Records are defined as those records, files, documents, electronic media, and other materials maintained by the institution that contain information directly related to a student and that are maintained in connection with the student's attendance at the institution.

Educational records do not include:

- Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute (20 U.S.C. & 1232g(a)(4)(B)(i));
- Records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement (20 U.S.C. & 1232g(a)(4)(B)(ii));
- In the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose (20 U.S.C & 1232g(a)(4)(B)(iii); or
- Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional capacity, and which are made, maintained, or used solely in connection with the provision of treatment to the student, and are not available to anyone other than the persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice (20 U.S.C & 1232g(a)(4)(B)(iv)).

Parental Access to Educational Records

Although FERPA allows the College to provide information to parents who can prove the student is dependent as defined by the Internal Revenue Code, the College has elected to first request written permission from the student prior to releasing information. This policy is considered necessary in order to reduce staff time spent attempting to verify the identity of parents and their eligibility to receive information. It also ensures privacy of student records and maintains an adult learning environment. If a dependent student refuses to sign a release to provide access to

his or her educational records, the College will then verify the student's status as dependent by requiring IRS documentation verifying the student is a dependent or requiring a sworn notarized statement to that effect.

Exception to Requirement for Written Consent from Student

In addition, no one outside the institution shall have access to, nor will the institution disclose, any information from a student's educational record without the written consent of a student except to those persons and entities listed below:

- To teachers, professors or instructors, or other college officials who have a legitimate educational interest. 34 C.F.R. § 99.31(a)(1).
[A college official is a person employed by the institution in an administrative, supervisory, academic or research, or support staff position (including campus security personnel and health staff); a person or company with whom the institution has contracted (such as an attorney, auditor, collection agent, or official of the National Student Clearinghouse); a person serving on the Board of Directors; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another college official in performing his or her tasks. A college official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.]
- To officials of another college or post-secondary institution where the student seeks to enroll. 34 C.F.R. § 99.31(a)(2).
- To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the Department of Education, or state and local educational authorities, 34 C.F.R. § 99.31(a)(3) , as amended 7/6/2000.
- In connection with the application for or receipt of financial aid. 34 C.F.R. § 99.31(a)(4).
- To state and local juvenile justice systems or their officials. 34 C.F.R. § 99.31(a)(5).
- To organizations conducting educational studies. 34 C.F.R. § 99.31(a)(6).
- To accrediting organizations. 34 C.F.R. § 99.31(a)(7).
- In compliance with a judicial order or other lawfully issued subpoena. 34 C.F.R. § 99.31(a)(9).
- To a court, without consent, court order or subpoena, if a parent or student has initiated legal action against the institution or if the institution has initiated legal action against a parent or student. 34 C.F.R. & 99.31 (a)(9)(iii), as amended 7/6/2000.
- In connection with a health or safety emergency. 34 C.F.R. § 99.31(a)(10).
- If designated as directory information. 34 C.F.R § 99.31(a)(11).
- The final results of disciplinary proceedings by postsecondary institutions concerning a crime of violence or nonforcible sex offense. 20 U.S.C. § 1232g(b)(6) as amended by § 951 of the Higher Education Amendments of 1998 and 34 C.F.R & 99.31 (a) (13) and (14) as amended 7/6/2000.
- To parents of an eligible student under the age of 21 in connection with use or possession of alcohol or an controlled substance in violation of law or institutional policy. 20 U.S.C.§ 1232g(i), added by § 952 of the Higher Education Amendments of 1998 and 34 C.F.R & 99.31 (a)(15), as amended 7/6/2000.

Directory Information

At its discretion the institution may release "Directory Information" in accordance with the provisions of the Act to include: student name, address, major field of study, terms attended, and degrees and awards received.

II. PROCEDURES

(A) Withholding Directory Information

Currently enrolled students may withhold disclosure of "Directory Information" under the Family Educational Rights and Privacy Act of 1974. To withhold disclosure students must provide

written notification to the Registrar's office by completing a *Request for Non-Disclosure of Student Information Form*. Forms are available at the Registrar's Office on the main campus, South County Center, and MERTS. Once non-disclosure of directory Information is requested, such information can only thereafter be released upon the student's prior written consent or upon revocation of the non-disclosure form in writing to the Registrar's Office.

(B) Releasing Information to a Third Party

To authorize a release of educational records to a third party, (in situations where FERPA mandates consent) students must submit a written request to the Registrar's Office. Forms are available in the Registrar's Office to assist students in providing the correct information in their request.

(C) Accessing Educational Records

Students wishing to inspect and review their education records must complete a *Student Request to Inspect and Review Education Records* form available in the Registrar's Office. Students requesting their educational records will be provided with the opportunity to inspect and review all institutional records created and maintained in connection with the student's attendance at Clatsop Community College:

Students **may not** inspect and review the following as outlined by the Act: financial information submitted by their parents; confidential letters and recommendations placed in their files prior to January 1, 1975, provided those letters are used only for the purposes for which they were collected. Confidential letters and recommendations placed in their files after January 1, 1975, may not be inspected and reviewed if the student has waived, in writing, his or her right to inspect and review those letters and statements and the letters and statements are related to a student's admission to the institution, application for employment, or receipt of an honor or honorary recognition. In addition, a student may not inspect or review education records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student.

The Registrar, or his/her designee, will make arrangements for access to all records covered by the Act. The institution will comply with the request as soon as possible, but in no case more than 45 days from the request in accordance with FERPA regulations.

A student may request copies of his or her educational records but must specify, in writing, which records should be copied. The College will impose a charge, generally, not to exceed \$1.00 per page for each copy. Students may have copies of their records with certain restrictions (e.g., a copy of an academic record for which a financial "hold" exists).

If the records request is excessively broad and a large number of records are involved, the College may elect to have the student inspect and review, in person, his or her education records rather than making copies. The Registrar, or his/her designee, will establish a date, time, and place for the review and a College official will remain present during this review. An exception to this procedure will be made, if necessary, as indicated by Section 99.10(d)(1) of the FERPA regulations which require that copies be made for the student if circumstances effectively prevent the student from exercising the right to inspect and review his or her records.

(D) Challenging the Content of Educational Records

Students who believe that their education records contain information that is inaccurate, misleading, or is otherwise in violation of their privacy rights may submit a written request to the Registrar requesting corrections. In their written request, students must provide: (a) information that the student claims is inaccurate, misleading, or in violation of the students' privacy rights, (b) identify education records in which the student believes the information is contained (c) the basis

for the student's claim (i.e., why the student believes the information is inaccurate, misleading, etc., and (d) the change the student is requesting.

If the Registrar is in agreement with the students' requests, the appropriate records will be amended. If not, the students will be notified that the records will not be amended; and will be informed by the Registrar of their right to a formal hearing.

(E) Requesting a Formal Hearing

Student requests for a formal hearing must be made in writing to the Registrar within ten working days of receiving notification that the Registrar will not amend the records. The Registrar, within a reasonable time, will inform students of the date, place, and the time of the hearing. In their written request, students must provide: (a) information that the student claims is inaccurate, misleading, or in violation of the students' privacy rights, (b) identify education records in which the student believes the information is contained (c) the basis for the student's claim (i.e., why the student believes the information is inaccurate, misleading, etc., and (d) the change the student is requesting.

Students may be assisted or represented at the hearing by one or more persons of their choice, including attorneys, at the student's expense. Students wishing to be represented by an attorney at the formal hearing must notify the College of their intent to be represented by legal counsel so that the College may also make arrangements for representation. The hearing officer who will conduct the formal hearing will be a College official designated by the President.

Decisions of the hearing officer will be final, will be based solely on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. The education records will be amended in accordance with the decisions of the hearing officer.

F) Submitting Explanatory Statements in Educational Files

The student may place with the education records statements commenting on the information in the records, or statements setting forth any reasons for disagreeing with the decisions of the hearing officer. The statements will be placed in the education records, maintained as part of the students' records, and released whenever the records in question are disclosed.

(G) Appeals

Students who believe that their rights have been abridged may file complaints with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605.

*Any of the timelines in this procedure may be modified with agreement by both parties.