Procedure: Department Procedures for Student Records

Notification of Students

Annually, the Technical Colleges shall inform their students about the Family Educational Rights and Privacy Act of 1974. This Act was designed to protect the privacy of educational records, and to establish the right of students to inspect and review their non-privileged educational records. The Act also provides guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students have the right to file complaints with the Family Policy Compliance Office, U.S. Department of Education, concerning alleged failures by the institution to comply with the Act. The Technical Colleges shall also provide a mechanism whereby students may file informal complaints within the Technical College.

This policy applies to students who are or who have formerly been enrolled at a Technical College.

Education records include any records (in handwriting, print, tapes, film, computer, or other medium) maintained by the Technical College or the Department that are directly related to a student except:

1) A personal record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record, is not accessible or revealed to any other person except a temporary substitute for the maker of the record, and is not used for purposes other than a memory or reference tool. Records that contain information taken directly from a student or that are used to make decisions about the student are not covered by this exception.

2) Records created and maintained by a Technical College Law Enforcement Unit for law enforcement purposes.

3) An employment record of an individual whose employment is not contingent on the fact that he or she is a student.

4) Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment.

5) Alumni records that contain information about a student after he or she is no longer in attendance at the university and which
do not relate to the person as a student.

**Student Access to Records**

Students may review their official academic record, disciplinary record, and financial aid record with the following exceptions:

1) Any and all documents written or solicited prior to January 1, 1975, on the presumption that they were intended to remain confidential and privileged.

2) Any and all documents to which access has been waived by the student.

3) Any and all records which are excluded from the Family Educational Rights and Privacy Act definition of educational records.

4) Any and all financial data and income tax forms submitted in confidence by the student's parents in connection with an application for, or receipt of, financial aid.

5) Any and all records connected with an application to attend a Technical College if the applicant never enrolled.

6) Those records that contain information on more than one student. The requesting student has the right to view only those portions of the record that pertain to his or her own educational records. Since documents written or solicited after January 1, 1975, may be kept confidential only if the student has waived access thereto in writing, a form of waiver shall be provided for the voluntary use of applicants in their request for recommendations. Any recommendation submitted under condition of confidentiality but without written waiver of access by the applicant shall be returned to the sender.

All requests shall be granted as soon as practicable, but in no event later than 45 days after the date of request. No documents or files may be altered or removed once a request has been filed. A student may receive a copy of any and all records to which he or she has lawful access upon payment of any copying charge established by the Department or the Technical College except when a hold has been placed on his or her record pending the payment of debts owed the Technical College, or when he or she requests a copy of a transcript, the original of which is held elsewhere.

**Hearings to Challenge Accuracy of Records**

If, upon inspection and review of his or her record, the student believes that the record is inaccurate, misleading or otherwise in violation of his or her privacy rights, he or she may ask that the record be changed or may insert a
Should the request for a change be denied the student will be notified of the Technical College's decision and advised of the right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's privacy rights. The student has 30 days to appeal the decision to the President and ask for a hearing.

On behalf of the president of the Technical College, a hearing officer shall conduct a hearing at which the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney. The hearing officer will consider only challenges to the accuracy of the records. Hence, if a grade has allegedly been incorrectly recorded on a student's transcript question may be considered but not whether the student should have been awarded a grade different from the one given.

The hearing officer shall prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. The decision of the hearing officer shall be final, save for any review that may be granted by the president of the Technical College.

If the Technical College decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will notify the student of the right to place in the record a statement commenting on the challenged information and a statement setting forth reasons for disagreeing with the decision. Such a statement shall become a part of the information contained in the education record and will be disclosed with it.

A student may make a specific waiver of access to evaluations solicited and/or received under condition of confidentiality.

**Release of Information**

The Technical Colleges will disclose information from a student's education records only with the written consent of the student, except that the records may be disclosed without consent when the disclosure is:

1) To Technical College officials who have a legitimate educational interest in the records.

A Technical College official is:

- A person employed by the Technical College in an administrative, supervisory, academic or research, or support staff position, including health or medical staff.
- A person elected to the Technical College's Board.
- A person employed by or under contract to the Technical
College to perform a special task, such as an attorney or auditor.
- A person who is employed by the Technical College’s Law Enforcement Unit.
- A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another Technical College official in performing his or her tasks.

A Technical College official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or contract agreement.
- Performing a task related to a student’s education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student’s family, such as health care, counseling, job placement, or financial aid.
- Maintaining the safety and security of the campus.
- The determination as to whether or not a legitimate educational interest exists will be made by the custodian of the records on a case by case basis. When the custodian has any question regarding the request, the custodian should withhold disclosure unless the custodian obtains consent from the student, or the concurrence of a supervisor or other appropriate official that the record may be released.

2) To officials of another school, upon request, in which a student seeks or intends to enroll. The student shall receive notification of the disclosure unless the student initiated the disclosure.

3) Subject to the conditions set forth in 34 C.F.R. §99.35 authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, authorized representatives of the Attorney General for law enforcement purposes, or state and local educational authorities.

4) Technical College or other Department officials or lending institutions, in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

- determine eligibility for the aid;
- determine the amount of the aid;
- determine the conditions for the aid; or
- enforce the terms and conditions of the aid.

5) State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to the state statute adopted prior to November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system’s ability to effectively serve the student whose records are released; or information that is allowed to be reported pursuant to a state statute adopted after 1974, which concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released. Nothing in this paragraph shall prevent the state from further limiting the number or type of state or local officials who will continue to have access thereunder.

6) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.

7) Accrediting organizations in order to carry out their accrediting functions.

8) Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954. The parent must provide a copy of their most recent federal income tax return establishing the student’s dependency. Full rights under the act shall be given to either parent, unless the institution has been provided with evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes those rights.

9) In connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or others.

10) To comply with a judicial order or lawfully issued subpoena, provided the university makes a reasonable effort to notify the student of the order or subpoena in advance of compliance. Notification may be prohibited if the Technical College receives a federal grand jury subpoena or any other subpoena which states that the student should not be notified. The Department's Director of Legal Services shall be consulted prior to release of the record.
11) To an alleged victim of any crime of violence as that term is defined in Section 16 of Title 18, United States Code, or a non-forcible sex offense, the final results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime or offense with respect to that crime or offense. The Department's Director of Legal Services shall be consulted prior to release of the record.

12) To Veterans Administration Officials pursuant to 38 U.S.C. 3690 (c).

13) Information the Technical College has designated as "directory information," unless a hold has been placed upon release of the information by the student.

The following data is considered to be directory information and may be given to an inquirer, either in person, by mail or by telephone, and may be otherwise made public: name of student, address (both local, including e-mail address, and permanent), telephone number (both local and permanent), date of registered attendance, school or division of enrollment, major field of study, nature and dates of degrees and awards received, participation in officially recognized activities and sports, and weight and height of members of athletic teams. If the inquiry is made in person or by mail, a student's date and place of birth, and signature may be confirmed.

The policy that such information will be made generally available will be communicated to presently enrolled students through the publication of these guidelines, so that an individual student currently enrolled may request that such directory information not be disclosed by checking the form provided at registration. Former students who do not want directory information disclosed should make such a request in writing to the registrar.

14) To the court those records that are necessary to defend the Technical College when a student initiates legal action against the institution and/or the Department.

15) The Technical College may also disclose to any parent or legal guardian of a student under the age of 21 information about a violation of any federal state or local law, or any rule or policy of the Technical College governing the use or possession of alcohol or a controlled substance if the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

Recordkeeping Requirements

The Technical Colleges shall maintain a record of requests for and/or
disclosures of information from a student's education records. The record will indicate the name of the party making the request and what records, if any, were received, the legitimate interest in the records, any additional party to whom it may be redisclosed, and the legitimate interest the additional party had in requesting or obtaining the information. The record may be reviewed by the student. This recordkeeping is not required if the request was from, or the disclosure was to:

1) the student;
2) a school official determined to have a legitimate educational interest;
3) a party with written consent from the student;
4) a party seeking directory information or
5) a Federal grand jury or law enforcement agency pursuant to a subpoena that by its terms requires nondisclosure.

References

V. J. Student Records