

# FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)

San Jacinto College policy VI.6000B, Confidentiality of Student Records outline the regulations that pertain to the confidentiality of education records of San Jacinto College students.

The **Family Educational Rights and Privacy Act of 1974 (FERPA)** governs the privacy of student educational records. FERPA provides eligible students with the right to inspect and review education records, the right to seek to amend those records, and the right to limit disclosure of information from the records. This policy outlines the regulations that pertain to records of San Jacinto College students. Records of present or former students of the College are confidential and are not public information. Therefore, the following regulations regarding student records shall apply.

The Deputy Chancellor and College President is custodian of all records for currently enrolled students and for all official academic records; however, he or she may appoint one or more designees, as necessary, to perform record management duties.

Educational records are all records that contain information directly related to a student and are maintained by an educational agency or institution, or by a party acting on its behalf. As used in this policy, "records" includes paper files, electronic and digital files, audio files, and video and photographic files.

## Type of Student Records Maintained

- Academic progress
- Permanent academic data
- Attendance records
- Standardized test results
- Medical records, including meningitis test results and drug test results
- Student Discipline records
- Book and library records
- Financial Aid and other financial records
- Mental health records and counseling information
- Other records related to a student's day-to-day status
- Any other information in a digital file assigned to a student

Each student record shall be identifiable as to the source. Notes and observations recorded by an individual teacher or other employee and kept for personal use are not student records except under the following conditions:

- The information is shared with someone other than a substitute for the employee.
- The information is used in preparation of student records.

## Definition of Terms

The following terms are interpreted as indicated:

- **Eligible Student** - a student who attends or has attended the school from which records are requested
- **Custodian** - the Deputy Chancellor and College President of the College

- **Custodian's Agent** – Provosts, Vice Chancellors, Associate Vice Chancellors, Vice Presidents, Deans, and those persons appointed by any of these to safeguard or to use student records
- **Directory Information** – is a list of items regarding a student of the College that may be made available to the public without the student's prior consent.
- **Legitimate Educational Interest** - an interest of school officials who require access to student records in order to perform their legitimate educational and business duties, when such records are needed in furtherance of the educational or business purposes of the student or College.
- **School Official** - A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College. For purposes of this policy, a "school official" is:
  - a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including Campus Police law enforcement unit personnel and health staff)
  - a person or company with whom the College has contracted as its agent to provide a service (such as an attorney, auditor, health care professional or diagnostician, IT computer services professional, or insurer)
  - a person serving on the Board of Trustees; a student serving on an official committee, such as a disciplinary or grievance committee
  - a student assisting another school official in performing his or her tasks
  - representatives of hospitals and clinical sites with whom the College has a contractual relationship that permits students to receive clinical training as part of their educational programs
  - companies or organizations with whom the College has contracted to provide plagiarism-detection services. Such companies may receive a student's work product for purpose of comparing the student's work with a reference database
- **Student Records** - any personally identifiable information concerning a student maintained for use by the College. This includes the student's name, address, personal identifiers such as Social Security numbers, and other personal characteristics or information that make the student's identity easily traceable.

## Directory Information

- Name
- Address
- Age (but not birthdate)
- Degrees earned and dates
- Major program of study
- Classification
- Terms of attendance
- Previous educational institutions attended
- Eligibility for and honors and awards received with dates that the honor or award was received
- Eligibility for and participation in officially recognized activities and sports
- Weight and height of members of athletic teams and sports statistics
- Enrollment status (full-time or part-time)

**Restricting access to directory information:** Students may ask that directory information be withheld from the public by accessing their student on-line account (SOS) in the student records tab and indicating directory information remain confidential. Students may make this request at any time.

## Review of Records by the Student

- A student's request for examination of his or her education records may be made in person or in writing by the eligible student to the San Jacinto College Educational Planning, Counseling, and Completion (EPCC) Office. The EPCC Office will require proof of identity. The request shall identify the specific record(s) to be examined. Requests shall be honored as soon as practical, but the request must be honored within 45 days. Refer to the College website for information regarding these requests.
- The right to inspect and review your education records within 45 days after the day San Jacinto College receives a request for access. You should submit to your campus Office of Admissions, head of the academic department, or other appropriate official, a written request that identifies the record(s) you wish to inspect. A San Jacinto College official will make arrangements for access and notify you of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official will advise you of the correct official to whom your request should be addressed.
- The right to request the amendment of your education records that you believe is inaccurate, misleading, or otherwise in violation of your privacy rights under FERPA. If you wish to ask San Jacinto College to amend a record, you should write the school official responsible for the record, clearly identify the part of the record you want changed, and specify why it should be changed.
- If San Jacinto College decides not to amend the record as requested, we will notify you in writing of the decision and your right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when notified of the right to a hearing.

## Release of Records

- Student records may not be released to a third party unless the student consents in writing or unless a legally recognized exception applies (see the federal regulations at 34 C.F.R. § 99.31).

## Accessibility of Records without Consent

Student records shall be accessible without the student's consent to the following:

- Other school officials, including faculty members, within San Jacinto College whom the College has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1)).
- Officials of another school or college where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2)). The student may request that the College forward a copy of the record to other institutions.
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the

aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.

- In connection with a request for "directory information" as designated by the school under § 99.37. (§ 99.31(a)(11)).
- State or local officials to whom educational data must be reported.
- Legitimate organizations (ACT, CEEB, ETS) developing, validating, or administering predictive tests or student aid programs. Such data are not to be released in any identifiable form and will be destroyed by the organization after the research has been completed.
- Accrediting agencies.
- Parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1954.
- Appropriate officials in connection with a health or safety emergency.
- In compliance with judicial order or pursuant to any lawfully issued subpoena upon written notice to the affected student.
- Representatives of the Comptroller General of the United States, Department of Education, administrative heads of educational agencies, or state education authorities.
- Legitimate agencies providing financial assistance to students, to organizations conducting studies for the purpose of developing, validating, or administering tests, or for the purpose of improving instruction, provided that the information is not to be revealed to a third party.
- A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
- Parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.

## Accuracy of Information

If an eligible student believes that information in his or her educational records is inaccurate or misleading or otherwise violates the student's privacy, a request for correction may be given in writing to the custodian of the record or other school official who is responsible for the record.

If the correction is not made within a reasonable length of time (a maximum of 30 school days), the student may request a hearing. The Dean of Student Development shall serve as the hearing officer; however, if the Dean of Student Development is the custodian of the record in question or otherwise has a direct interest in the outcome of the hearing, then a designee shall serve as the hearing officer.

A hearing must be held within a reasonable time (a maximum of 30 school days, barring unforeseeable circumstances) after the request has been made. The hearing officer shall provide the eligible student and the custodian of the record reasonable notice of the date, time and place of the hearing. In advance of the hearing, the custodian of the record shall prepare a packet containing copies of the contested records and any other relevant records or documents, including any applicable policies and procedures. The custodian of the record shall prepare a report summarizing the reasons why he or she believes that the challenged record is not inaccurate or misleading or otherwise a violation of the student's privacy. The custodian shall provide the packet and report to the student and hearing officer at least one school day prior to the hearing. The student shall have a full and fair opportunity to present his

or her own evidence related to the accuracy of the record. The student, at his or her own expense, may be represented by legal counsel or an advisor. The student's legal counsel or advisor may attend the hearing and confer with the student but may not participate in the hearing.

The hearing officer shall prepare a written ruling within a reasonable time after the hearing (a maximum of 21 school days). The ruling must be based solely on the evidence presented at the hearing. The ruling must include a summary of the evidence and the reasons for the ruling.

If the hearing officer concludes that no correction to the record is warranted, the eligible student is to be notified and informed of the right to place in the records a statement either commenting on or setting forth a reason for disagreeing with the school's decision.

An eligible student who disagrees with the outcome of the hearing may file a complaint with the US Department of Education. The name and address of the office that administers FERPA is the Family Policy Compliance Office, US Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

A hearing pertaining to student records may be scheduled to challenge the accuracy of recording but not the assignment or merits of a grade.

### **Policy Availability and Notice**

- A copy of this policy will be made available upon request to eligible students.
- At least once annually, an effort shall be made to inform all eligible students of their rights under the provisions of this policy. Such effort shall be made through the College website, College catalog, and student handbook.