

FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)

San Jacinto College Policy VI.6000.B (<https://www.sanjac.edu/about/policies-procedures/VI-6000-B-Confidentiality-of-Student-Records.pdf#search=confidentiality%20of%20student%20records>), Confidentiality of Student Records, outlines the regulations that pertain to the confidentiality of education records of San Jacinto College students.

This policy is based on the **Family Educational Rights and Privacy Act of 1974 (FERPA)**, which governs the privacy of student educational records. FERPA provides eligible students with the right (i) to inspect and review education records, (ii) to request amendment of a record, and (iii) to limit disclosure of information from the records to third parties.

General Information

Records of present or former students of the College are confidential and are not public information.

The Deputy Chancellor and College President is custodian of all records for currently enrolled students and for all official academic records; however, they 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 the College 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

Certain medical and mental health "treatment" records are not considered educational records under FERPA. Additionally, 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 San Jacinto College or previously attended San Jacinto College
- **Custodian** - the Deputy Chancellor and College President of the College

- **Custodian's Agents** – Provosts, Vice Chancellors, Associate Vice Chancellors, Vice Presidents, Deans, and those persons specifically appointed by these individuals to fulfill responsibilities under FERPA.
- **De-identified Records** - Educational records in which all personally identifiable information has been removed (blacked out or redacted); the College must make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.
- **Directory Information** – information in a student education record that would not generally be considered harmful or an invasion of privacy if disclosed, such as the student's name, address, dates of attendance, and field of study. "Directory information" may be released without the student's prior consent unless the student has specifically elected privacy as stated later in this policy.
- **Legitimate Educational Interest** - an interest of school officials who require access to student records in order to perform their legitimate educational and institutional 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 capacity or support staff position working under the direction of those persons (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 or function for which the College ordinarily would use employees (such as an attorney, auditor, health care professional or diagnostician, IT computer services professional, or insurer)
 - members of the Board of Trustees in the performance of their official responsibilities
 - a student serving on an official committee, such as disciplinary or grievance committee
 - a student assisting another school official in performing their tasks (e.g., work-study student)
 - 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** - an educational record that contains personally identifiable information concerning a student maintained for use by the College. This includes the student's name, address, birthdate, and personal identifiers such as Social Security numbers. The term "personally identifiable" includes (i) information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (ii) information requested by a person whom College officials reasonably believe knows the identity of the student to whom the education record relates.

Directory Information

- Name
- Address
- Age (but not birthdate)
- Degrees earned and dates
- Major program of study
- Classification (freshman, etc.)
- 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)

Electing Privacy: Students may request that the College restrict access to directory information by accessing their student online account (SOS), locating the Students tab and indicating that directory information should remain confidential. Students may make this request at any time; however, the student's election may take several working days to be effective. If the election is made while a request for directory information is being processed, the student's directory information is subject to being released. Students who desire to protect their directory information are encouraged to make their election at the beginning of the semester.

Review of Records by the Student

- An eligible student may request to examine their education records by submitting the request to the San Jacinto College Center for Advising, Career, and Transfer. The Center 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 additional information regarding these requests.
- When a student requests to examine their education records, the records shall be presented to the student as the records existed on the day of the request.
- When records contain information pertaining to more than one student, the requesting student may review or be informed of only information about the requesting student.
- School officials shall not destroy records while the student's request is pending.
- The College will respond to reasonable requests for explanation or interpretation of records. Requests must be in writing.
- If circumstances effectively prevent a student from exercising the right to examine their education records, the College will provide the student with a copy of the requested records or make other arrangements for the student to examine the requested records. The College may charge a fee for a copy of requested education records unless the imposition of a fee effectively prevents the student from exercising the right to examine their records.
- The College shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. However, under FERPA regulations, a log is not needed for disclosures to (a) the eligible student, (b) a school official with a legitimate educational interest, (c) a party who has written consent from the eligible student, (d) a party seeking directory information, or (e) a party seeking or receiving

information under a subpoena where the issuing authority has ordered nondisclosure of the existence of the subpoena.

- The right to inspect does not include the right to inspect (i) financial records of the student's parent(s) and (ii) confidential letters of recommendation when the student has waived their right to inspect and the records relate to admission to an educational institution, an application for employment, or receipt of an honor or honorary recognition.

Release of Records to Third Parties

- 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).

Disclosure of Records without Consent

Student records may be disclosed 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 including College attorneys, 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 San Jacinto College under § 99.37. (§ 99.31(a)(11)).
- State or local officials to whom educational data must be reported.
- Legitimate organizations that are conducting studies for, or on behalf of, educational agencies or institutions (e.g., ACT, CEEB, ETS) to develop, validate, or administer predictive tests, to administer student aid programs, or to improve instruction. 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 an eligible student if the student is a dependent for IRS tax purposes (§ 99.31(a)(8)).
- Appropriate officials in connection with a health or safety emergency.
- In compliance with a judicial order or pursuant to any lawfully issued subpoena upon written advance notice to the affected student unless prior notice is prohibited by law.
- Representatives of the Comptroller General of the United States, the Attorney 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 instituted by San Jacinto College with respect to that alleged crime or offense, regardless of the finding.
- The general public as to the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the College's rules or policies with respect to the allegation made against them.
- 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.
- Additional exceptions are noted in the FERPA regulations, 34 C.F.R. part 99, available at: www2.ed.gov/policy/gen/reg/ferpa/index.html. (<https://www2.ed.gov/policy/gen/reg/ferpa/>)

Accuracy of Information

If an eligible student believes that information in their educational records is inaccurate or misleading or otherwise violates the student's privacy, a request for amendment may be given in writing to the custodian of the record or other school official who is responsible for the record, clearly identifying the part of the record for amendment and specifying why it should be amended. The College will decide whether to amend the record as requested within a reasonable time (generally within 20 school days). If the College decides not to amend the record as requested, it will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment.

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

If the student disagrees with the College's decision not to amend the record as requested, 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 it would be a conflict of interest for the Dean to serve as the hearing officer, then the Deputy Chancellor or designee shall appoint a neutral administrator to serve as the hearing officer.

A hearing must be held within a reasonable time (generally within 20 school days, barring unforeseeable circumstances) after the request for a hearing 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 their own evidence related to the accuracy of the record. The student, at their 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 (generally within 15 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 amendment 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 at the Student Privacy Policy Office, US Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

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.

Complaints

Students may file a complaint regarding non-compliance with this policy with the Department of Education:

Student Privacy Policy Office
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202