

**3354:1-30-02.2 Procedure on student education records.****(A) FERPA.**

- (1) The Family Educational Rights and Privacy Act of 1974 (commonly "FERPA") and associated federal regulations set forth requirements designed to protect the privacy of student education records. The law governs access to records maintained by educational institutions and the release of information from those records.
- (2) Periodically, the College publishes summary FERPA notices in the College Catalog and the Student Handbook to highlight certain rights of students with respect to their education records. This procedure offers additional information, and is the official College rule on the topic.

**(B) Student education records.**

- (1) "Education records" means (with certain exemptions as listed below) those records, files, documents, and other materials that contain information directly related to a student, and are maintained by any employee or agent of the College. The following records are exempted and are not considered to be education records:
  - (a) Records made by College personnel that are in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
  - (b) Records maintained by the Office of Public Safety for law enforcement purposes.
  - (c) Some employment records of students who have been employed by the College.
  - (d) Some medical and counseling records used solely for treatment.

- (e) Records that only contain information about a student after the person is no longer a student. (For example, this would likely include at least some alumni records.)
  - (2) All records pertaining to students which are maintained by College offices, employees, or agents are official College records, and remain the property of the College.
- (C) Education records: inspection and review.
- (1) Students may inspect and review their education records, except that the College may refuse students access to:
    - (a) Financial records of parents.
    - (b) Some confidential letters and statements of recommendations placed in education records prior to January 1, 1975.
    - (c) Some confidential letters and statements of recommendations for admission, employment, or honorary recognition placed in education records after January 1, 1975, for which students have waived their right of access.
    - (d) Other education records not required to be disclosed by FERPA.
  - (2) The student education records inspection and review process operates as follows:
    - (a) Requests to review education records must be made separately, in writing, to each office maintaining the records. The offices have 45 days to respond to requests to review and inspect. However, arrangements may be made more promptly when circumstances allow.

- (b) Students have the right to review only their own records. When a record contains information about more than one student, disclosure cannot include information regarding the other student(s).
- (D) Amending education records.
- (1) Students may ask the College to amend their education records if they believe the records to be inaccurate, misleading, or in violation of the student's privacy rights. (The right to challenge grades does not apply under this procedure unless the grade assigned was inaccurately recorded.)
  - (2) The College will respond to an education records amendment request within a reasonable period of time.
  - (3) If a student does not agree with the College's response to an education records amendment request, the student may request a College hearing:
    - (a) Students requesting an amendment of information in their records must submit, in writing, a request for a hearing to the Vice President of Academic and Student Affairs, listing the specific information in question and the reasons for the requested amendment.
    - (b) Hearings will be conducted by a College official who does not have a direct interest in the outcome of the hearing.
    - (c) Students shall be afforded a full and fair opportunity to present evidence relevant to the reasons for the requested amendment.
    - (d) The hearing officer will render a decision, in writing, noting the reason and summarizing all evidence presented within a reasonable period of time after the requested amendment is filed.

- (e) If the decision is in favor of the student, the record shall be amended accordingly.
  - (f) If the decision is not in favor of the student, the student may choose to place a statement in the education record commenting on the accuracy of the information in the record and/or setting forth any basis for inaccuracy. When disclosed to an authorized party, the record will always include the student's statement and notice of the hearing officer's decision.
- (E) Releasing student records.
- (1) Student consent to release.

Except as otherwise described in this procedure or applicable law, consent must be obtained from students for the release of information from education records, specifying what is to be released, the reasons for release, and to whom the records may be released.
  - (2) A copy of the disclosed records shall be sent to the student if he or she requests.
  - (3) Release without consent.
    - (a) Consent is not required for the following disclosures (but disclosing employees should consult applicable federal regulations – particularly 34 C.F.R. 99.31 – prior to making a disclosure in reliance on any of these exceptions):
      - (i) To other College officials and employees who have a legitimate educational interest. The term “legitimate educational interest” includes without limitation the need to receive a student record in order to perform a task related to the regular duties of the official or employee, the student's education, the discipline of a student, a service or benefit for the student, or to maintain safety and security of the

College. The term “College officials” includes without limitation:

- (a) College officers and employees, and
  - (b) College contractors who receive student records in order to carry out their contractual duties to the College, and who are legally required to protect disclosed student records in accordance with FERPA.
- (ii) Directory information (as defined below in this procedure) unless the student has requested that such information not be disclosed.
  - (iii) Disclosures to authorized federal and state authorities for audit or evaluation of federal or state supported educational programs.
  - (iv) Disclosures in connection with eligibility, amount, conditions, or enforcement of financial aid applied for or received by the students.
  - (v) Disclosures to state or local authorities if such disclosure is allowed by statute (under certain circumstances).
  - (vi) Disclosures to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction; provided that individual identity of students is not made available to persons outside that organization.

- (vii) Disclosures to officials of other institutions in which a student seeks or intends to enroll on the condition that the issuing institution makes a reasonable attempt to inform the student of the disclosure (unless the student initiates the transfer).
- (viii) Disclosures to accrediting organizations for their accrediting functions.
- (ix) Disclosures to parents of student where student is a dependent under § 152 of the Internal Revenue Code of 1986.
- (x) Disclosures in compliance with a judicial order or a lawfully issued subpoena, provided that the College makes a reasonable attempt to notify the student in advance of compliance. NOTE: Special legal rules apply to subpoenas. Immediately upon receiving a subpoena, contact the College's Office of Legal Services.
- (xi) Disclosures made in connection with a health or safety emergency.
- (xii) Disclosures to an actual or alleged victim of any crime of violence or non-forcible sex crime. Such disclosures must be limited to the final results of the College disciplinary proceeding. The information may only be given in respect to the crime committed.
- (xiii) To parents of a student regarding the student's violation of federal, state or local laws or College policies regarding use or possession of alcohol or a controlled substance, if student is under the age of 21, and the College determines that the student violated a College disciplinary rule.

- (b) Each College unit has an obligation to keep a record of requests and disclosures of student education records except when the request is from the student, a College official with a legitimate educational interest, or someone requesting directory information; or when the student's consent to the request has been delivered to the student. Students have the right to review this record of requests and disclosures of student record information.

(F) Directory information.

- (1) The College, in accordance with the Act, has designated the following information about students as public (directory) information:
  - (a) Name
  - (b) Address (local and home)
  - (c) Program of study (including college of enrollment, major and campus)
  - (d) Enrollment status (e.g. full-time, part-time, withdrawn)
  - (e) Dates of attendance
  - (f) Degrees, honors, and awards received
  - (g) Previous educational agencies or institutions attended
  - (h) Participation in officially recognized activities and sports
  - (i) Weight and height of members of intercollegiate athletic teams

- (2) Students have the right to have this directory information withheld from the public if they so desire. Each student who wants directory information to be withheld (including items to be published in the Student Directory) shall so indicate by completing a Change of Information Form which can be obtained from the Office of the College Registrar.
- (3) The College receives many inquiries for directory information from a variety of sources, including friends, parents, relatives, prospective employers, other institutions of higher education, honor societies, licensing agencies, government agencies, and the news media. Each student is advised to carefully consider the consequences of a decision to withhold directory information.

(G) Compliance.

Any student who has reason to believe that the College is not complying with the Act or this policy should inform the College Registrar in writing. The College Registrar shall promptly review all such allegations. Students may also file a complaint with the U.S. Department of Education in accordance with § 34 C.F.R. 99.7 (a)(2)(iv).

(H) Locations and custodians of student education records.

The College does not maintain education records in a single, central office. Education records are maintained by various campuses, offices, and departments. Questions regarding individual student records should be directed to the appropriate locations:

<b><u>OFFICE</u></b>	<b><u>RECORD TYPE</u></b>	<b><u>CUSTODIAN</u></b>
Academic Affairs		Vice President
Accounts Receivable		Assistant Treasurer
Admissions		Director
Arts and Sciences		Assistant Dean
Athletics		Assistant Director
Business		Dean
Continuing Education		Associate Director
Counseling Services		Director



Financial Aid		Director
Health Services		Director
Libraries		Director
Eastern Campus		Associate Dean
Metropolitan Campus		Assistant Dean
Western Campus		Associate Dean

- (I) The President or the President's designee is hereby directed to take all steps necessary and appropriate for the effective implementation of this procedure.

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Procedures amplifies: 3354:1-30-02

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Certification

03/16/2015

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