

Essex County College College Regulation

REG 5-8 ACCESS TO STUDENT RECORDS

Purpose:

To ensure the protection of a students' right of access to their educational records.

Definitions:

Student: For the purpose of this regulation, any person who attends or has attended Essex County College and regarding whom the College maintains education records.

Enroll: A student enrolls at Essex County College when the student registers for their first class.

Educational Records: Any record (in handwriting, print, tapes, film, computer or other medium) maintained by the College or an agent of the College which is directly related to a student, except:

- A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- Records created and maintained by the College's Law Enforcement Unit for law enforcement purposes.
- An employment record of any individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.
- 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.
- Alumni records which contain information about a student after he or she is no longer in attendance at the College and which do not relate to the person as a student.

Directory Information: Information in a student's education record not generally considered harmful or an invasion of privacy under FERPA. It may be disclosed to others without a student's prior written consent, subject to certain exceptions. Information that is considered directory information at the College are listed in No. 4 below.

Personally Identifiable Information (PII): Information that makes an education record "Personally identifiable" to a particular student, included by not limited to:

- The students name or preferred name.
- The name of the student's parent or other family member.
- The address of the student or other family member.
- Personal identifiers such as the student's social security number or biometric record.
- Other indirect identifiers, such as student's date of birth, place of birth or mother's maiden name.
- Other information that, alone or in combination, is linked or linkable to a specific student, and which would allow a reasonable person in the school community to identify the student.
- Information requested by a person who the college reasonably believes knows the identity of the student to whom the education record relates.

Application:

1. Access.
College will provide the student, authorized person, entity, or eligible parent or guardian access to the student's educational records.
2. Limitations on Access.
The College will not provide the student or other party access to the following, unless ordered to do so by a court of competent jurisdiction:
 - (a) Financial records of the parents or guardian of the student.
 - (b) Confidential letters and statements of recommendation placed in the educational records prior to January 1, 1975.
 - (c) Confidential letters and statements of recommendation placed in the educational records after January 1, 1975, for which the student has signed a waiver of their right of access.
 - (d) Materials which include information on other students, however, the student may review or be informed of the specific information that pertains to them.
 - (e) Treatment and counseling records of physicians, psychiatrists, psychologists or other recognized professionals or para-professionals; however, the opportunity of review will be provided to a physician or other appropriate professional selected by and upon written consent of the student.
3. Notification of Student Rights under FERPA
The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. They are:
 - (a) The right to inspect and review the student's education records within 45 days of the day the College receives a request for access.
 - Students should submit to the Office of Student Affairs, or other appropriate official, written requests that identify the record(s) they wish to inspect.
 - The College official will make arrangements for access and notify the student of the time and place where the records may be inspected.
 - If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
 - (b) The right to request an amendment of the student's education records that the student believes is inaccurate, misleading, or in violation of their privacy rights.
 - Students should write to the College official responsible for the record, identify the part of the record they want amended, and specify why it is inaccurate, misleading, or in violation of their privacy rights.
 - If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

- (c) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. Essex County College will disclose information from a student's education records only with the written consent of the student, **except:**
- i. To school officials who have a legitimate educational interest in the records. A school official is:
 - A person employed by the College in an administrative, supervisory, academic or research or support staff position, including health or medical staff.
 - A person elected to the Board of Trustees.
 - A person employed by or under contract to the College to perform a special task, such as an attorney or auditor, or a third-party vendor.
 - A person who is employed by the Essex County College Police Department.
 - A student serving on an official committee, such as a disciplinary or grievance committee or who is assisting another school official in performing their tasks.
 - ii. A school official that has a legitimate educational interest if the official is:
 - Performing a task that is specified in their 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.
 - iii. To officials of another school, upon request, in which a student seeks or intends to enroll. All records will be forwarded upon request, with the understanding that the student has made the request and intends to enroll at another institution.
 - iv. To certain officials of the U. S. Department of Education, the Comptroller General and state and local educational authorities, in connection with audit or evaluation of certain state or federally supported education programs.
 - v. In connection with a student's request for or receipt of financial aid to determine the eligibility amount or conditions of the financial aid or to enforce the terms and conditions of the aid.
 - vi. For degree and enrollment verification wherein the consulting and reviewing institutions are considered school officials with a legitimate educational interest.
 - vii. To state and local officials or authorities if specifically required by a state law that was adopted before November, 19, 1974.
 - viii. To organizations conducting certain studies for or on behalf of the College.
 - ix. To accrediting organizations to carry out their functions.

- x. To parents of an eligible student who is claimed as a dependent for income tax purposes.
- xi. To comply with a judicial order or a lawfully issued subpoena.
- xii. To appropriate parties in a health or safety emergency.
- xiii. To individuals requesting directory information so designated by the College.
- xiv. The results of any disciplinary proceeding conducted by the College against an alleged perpetrator of a crime of violence or non-forcible sex offenses.
- xv. To parents or legal guardian of a student under the age of 21 in connection with use or possession of alcohol or a controlled substance in violation of federal, state or local law or of any institutional rule or policy.

4. Directory Information

- (a) Essex County College designates the following categories of student information as public "Directory Information." Such information may be disclosed by the institution at its discretion, subject to certain exceptions:

- student name,
- major field of study,
- participation in officially recognized activities and sports,
- weight and height of members of athletic teams,
- dates of attendance,
- photographs or electronic images,
- audio or video recordings,
- degrees, honors, and awards received including dean's list status,
- most recent previous school attended,
- date of degree conferment,
- degree level (UG),
- enrollment status (full-time or part-time)
- classification (freshman, sophomore, matriculated, non-matriculated, etc.).

NOTE: Primary address and/or email address will be shared with designated vendors providing the following external services to graduating students: Information about purchasing class rings, yearbooks, commencement photos. The College may disclose any of those items without prior written consent, unless notified in writing to the contrary by the end of the second week of the semester.

- (b) Currently enrolled students may restrict the release of Directory Information by notifying the Office of the Dean of Student Affairs in writing each semester during the first 10 days of class of a fall and spring semester, and the first 5 days of a summer term. The College will honor a request to withhold information but cannot assume responsibility to contact the student for subsequent permission to release them. Regardless of the effect upon the student, the institution assumes no liability as a consequence of honoring instructions that Directory Information be withheld. The College assumes that failure on the part of the student to request the withholding of Directory Information indicates individual approval for disclosure.
- (c) A student's notification to restrict the release of Directory Information will remain in effect until the student submits written notice to release the information.

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington DC 20202-4605

6. Questions concerning this law and the College's procedures concerning release of academic information may be directed to the Office of Enrollment Services.

Responsible Official(s): Office of Enrollment Services; Dean of Student Affairs	Reference(s): <i>Family Educational Rights and Privacy Act (FERPA) 20 U.S.C.A. § 1232 et seq., BP 5-2</i>
Regulation History: App. 11/95, Rev. 10/01, 7/11, 3/17, 5/23	Attachment(s):