

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.

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 access to the following:
 - (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 her or his 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 her or him.
 - (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 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 the amendment of the student's education records that the student believes is inaccurate or misleading.
 - Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

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 his or her 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 with legitimate educational interests;
A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
- ii. 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 responsibility.
- iii. To officials of other institutions in which the student seeks or intends to enroll provided that the student has previously requested a release of his/her record;
- iv. To authorized representatives of the U.S. Department of Education, the Comptroller General of the United States, state educational authorities, organizations conducting for or on behalf of the College, and accrediting organizations;
- v. In connection with a student's application for, and receipt of, financial aid;
- vi. To comply with a judicial order or lawfully issued subpoena;
- vii. To parents of dependent students as defined by the Internal Revenue Code;
- viii. To appropriate parties in a health or safety emergency; or
- ix. To the alleged victim of any crime of violence or the results of any disciplinary proceedings conducted by the College.

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.

- Name, date and place of birth, local and permanent mailing addresses and telephone numbers.
- Semester of attendance, current enrollment status (full or part-time); classification (freshman, etc.).
- Date of admission, major field of study, type of degree being pursued.
- Previous educational institution attended.
- Date of graduation, degree(s) conferred, honors, and awards received (including scholarships).

- Weight and height of members of athletic teams.

<ul style="list-style-type: none"> • Participation in officially recognized activities and sports sponsored by the College. • Photographs. <p>(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, 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.</p> <p>(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.</p> <p>4. 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:</p> <p style="text-align: center;">Family Policy Compliance Office U.S. Department of Education 600 Independence Avenue, SW Washington DC 20202-4605</p> <p>Questions concerning this law and the College's procedures concerning release of academic information may be directed to the Dean of Student Affairs.</p>
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Responsible Official(s):	Reference(s): <i>Family Educational Rights and Privacy Act (FERPA) 20 U.S.C.A. § 1232(g) et seq., BP 5-2</i>
Regulation History: App. 11/95, Rev. 10/01, 7/11, 3/17	Attachment(s):