

APPENDIX G

Sample College and DSP&S Statements Outlining a Privacy Policy

Sample College Statement Outlining a Privacy Policy

The Family Educational Rights and Privacy Act of 1974 is a federal law which states (a) that a written institutional policy must be established, and (b) that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of student education records. No one outside the institution shall have access to nor will the institution disclose any information from students' education records without the written consent of students except to personnel within the institution, to officials of other institutions in which students seek to enroll, to persons or organizations providing students financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order or to persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of the student or other persons. All these exceptions are permitted under the Act.

Within the _____ College community, only those members, individually or collectively, acting in the educational interest of students are allowed access to student education records. These members include personnel in the Offices of Admissions and Records, Financial Aid, and Counseling Services, and academic personnel within the limitations of their need to know. At its discretion the institution may provide Directory Information in accordance with the provisions of the Act to include:

- Student name,
- Social Security number,
- Schedule of classes,
- Degrees and awards received,
- Participation in officially recognized activities and sports, and
- Weight and height of members of athletic teams.

Students may withhold Directory Information by notifying the director of Admissions and Records in writing one week prior to the beginning of each term.

Request for non-disclosure will be honored by _____ College for only one academic term at a time; therefore, requests to withhold Directory Information must be filed in the Office of Admissions and Records one week prior to each term.

The law provides students with the right to inspect and review all information contained in their education records, to challenge the contents of their education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panels to be unacceptable. The director of Admissions and Records at _____ College has been designated by the institution to coordinate the inspection and review procedures for student education records, which include admissions, personal, academic, financial, cooperative education, and placement records. Students wishing to review their education records must make written requests to the director of Admissions and Records listing the item or items of interest. Only records covered by the Act will be made available within 15 working days of the date of the request. Students may have up to two copies made of their _____ College academic transcript *with certain exceptions* (e.g., a copy of the

academic record for which a financial "hold" exists). Additional copies would be made at the student's expense. A reasonable charge will be made to furnish copies of other records. Education records do not include records of instructional, administrative, and education personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute, records of the law enforcement unit, student health records, employment records or alumni records. A physician of a student's choosing, however, may review health records.

Students may not inspect and review the following as outlined by the Act:

- Financial information submitted by their parents;
- Confidential letters and recommendations associated with admissions, employment or job placement, or
- Honors to which they have waived their rights of inspection and review; or
- Education records containing information about more than one student, in which case the institution will permit access only to the part of the record which pertains to the inquiring student.

The institution is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purpose for which they were collected.

Challenging Content of Records - Any student may file a written request in the form of a petition to the Academic Council which acts as the designee of the President of _____ College to correct or remove information recorded in his or her student records which he or she alleges to be:

- (1) Inaccurate,
- (2) An unsubstantiated personal conclusion or inference,
- (3) A conclusion or inference outside of the observer's area of competence, or
- (4) Not based on the personal observation of a named person with the time and place of the observation noted.

Within 30 days of receipt of such petition, the Academic Council shall meet with the student and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the _____ Community College District. The Academic Council shall then sustain or deny the allegations. If the Academic Council sustains any or all of the allegations, it shall order the correction or removal and destruction of the information. If the Academic Council denies any or all of the allegations and refuses to order the corrections or removal of the information, the student may, within 30 days of the refusal, appeal the decision in writing to the Community College District governing board. Within 30 days of receipt of such an appeal; the governing board shall, in closed session with the student and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the _____ Community College District, determine whether to sustain or deny the allegations. If the governing board sustains any or all of the allegations, it shall order the director of Admissions and Records of _____ College to immediately correct or remove and destroy the information. The decision of the governing board shall be final. Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of

the governing board, unless the student initiates legal proceedings relative to the disputed information within the prescribed period. If the final decision of the governing board is unfavorable to the student, or if the student accepts an unfavorable decision by the Academic Council, the student shall have the right to submit a written statement of his objections to the information. This statement shall become a part of the student's record until such time as the information objected to is corrected or removed.

Students who believe that their rights have been abridged may file complaints with the Family Educational Rights and Privacy Act Office (FERPA), Department of Education, Washington, D.C., 20201, concerning the alleged failure of _____ College to comply with the Act. Revisions and clarifications will be published as experience with the law and the institution's policy warrants.

Sample Statement to be used on DSP&S Documents

The _____ Community College District uses the information requested on this form for the purpose of determining a student's eligibility to receive authorized special services provided by the Disabled Students Programs and Services (**DSP&S**) **Program**. Personal information recorded on this form will be kept confidential in order to protect against unauthorized disclosure. Portions of this information may be shared with the Chancellor's Office of the California Community Colleges or other state or federal agencies; however, disclosure to these parties is made in strict accordance with applicable statutes regarding confidentiality, including the Family Educational Rights and Privacy Act (20 U.S.C. 1232(g)). Pursuant to Section 7 of the Federal Privacy Act (Public Law 93-579; 5 U.S.C. § 552a, note), providing your social security number is voluntary. The information on this form is being collected pursuant to California Education Code Sections 67310-67312, and 84850; and California Code of Regulations, Title 5, Section 56000 et seq.