

HAYWOOD COMMUNITY COLLEGE	STUDENT SERVICES <b>STUDENT RECORDS - FERPA</b>	Policy 5.4.3
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All student records must be current and maintained with appropriate measures of security and confidentiality. The College is responsible for complying with all legal requirements pertaining to the maintenance, review, and release of records retained by the College.

## **I. COMPLIANCE WITH FERPA RIGHTS**

- A. The Family Educational Rights and Privacy Act (“FERPA”) provides students with certain rights to privacy of their educational records and rights of access by others to their educational records. College employees are expected to fully comply with this Policy.
- B. For purposes of this Policy, “student” means an individual who is or has been in attendance at the College. It does not include persons who have not been admitted, who have been admitted but did not attend the College or individuals enrolled solely in non-credit courses. “Attendance” starts when the individual matriculates or declares their intention to enroll at the College, whichever comes first.

## **II. ANNUAL NOTIFICATION OF RIGHTS**

The College shall provide every student with an annual notice of their rights under FERPA. The Vice President for Student Services, or his/her designee, is responsible for preparing and delivering this annual notice.

## **III. RIGHT TO INSPECT RECORDS**

- A. Students who want to inspect their education records should direct that request to the individual and within the timeframe as designated in the annual notice. Records which are available for inspection shall be provided to the student during regular business hours.
- B. Students may obtain copies of their educational records if circumstances make on-site inspection impractical, and the student is in good standing. When copies are provided, the student may be charged a reasonable fee for the actual copying expense.

## **IV. DIRECTORY INFORMATION**

- A. The College may release Directory Information without student consent. The College designates the following information as Directory Information:
  - 1. Student's name;
  - 2. Major field of study;
  - 3. Participation in officially recognized activities and sports;
  - 4. Dates of attendance, grade level and enrollment status; and

5. Degrees, honors, and awards received.

\*Student contact information (mailing address, telephone number, and email address), and date of birth are considered limited directory information and will only be disclosed under certain circumstances for educational purposes at the discretion of College administration. Date of birth may be disclosed only as a means of verifying a student's identity when a College employee has no other means of doing so.

- B. The College shall only release Directory Information to individuals and organizations that demonstrate, in the College's opinion, a legitimate, educational interest in the information or provide a direct service to the College; however, the College shall release Directory Information to military recruiters in compliance with the Solomon Amendment unless the student specifically restricts the release of their Directory Information.
- C. Students who do not wish to have their Directory Information released to the individuals and organizations identified above shall comply with the "opt-out" provisions designated in the annual notice.

## **V. RELEASE OF EDUCATIONAL RECORDS**

- A. The College will not release a student's educational records, aside from Directory Information, to any third-party unless the student consents to the release or a valid, legal exception applies.
- B. Disclosures may be made to school officials which include any of the following when that person has a legitimate educational interest in having access to the information: 1) any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed by the College; 2) a member of the College's Board of Trustees; 3) a contractor, consultant, volunteer, or other party to whom the College has outsourced services or functions, such as, but not limited to: an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, law enforcement unit, investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the College would otherwise use employees, is under the direct control of the College with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of PII from education records; and 4) a person serving on a committee appointed by the College, such as a disciplinary or grievance committee or other review committee.
- C. In compliance with Title IX, the College may disclose the final results of campus disciplinary proceedings in which a student respondent is charged with a violent crime or non-forcible sex offense. Upon the request of the complainant, disclosure may be made regardless of whether the respondent was found responsible. Disclosures to third parties may be made only if the student respondent is found responsible. Disclosure in this situation is limited to the name of the violator, the

type of student code violation found to have occurred, and the sanction imposed by the College.

- D. The College shall release a student's educational records to the student's parents when requested by the parents and: i) the student is listed as a dependent on the parents' tax returns; ii) the student violated a law or the College's policies regarding drugs and alcohol and the student is under the age of 21; or iii) the disclosure is needed to protect the health or safety of the eligible student or other individuals in an emergency situation.

## **VI. CORRECTING RECORDS**

A student has the right to challenge an item in his/her records believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights. The student may file a grievance pursuant to Policy 5.3.6 – Student Grievance beginning at Step Three. If the final decision is that the information in the record is, in the College's determination, not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the Vice President of Student Services shall inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the College's decision.

## **VII. MISCELLANEOUS**

- A. Students who believe their rights have been violated may file a complaint with the Family Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington D.C. 20202. Complaint must be filed within 180 days of the date of the alleged violation or the date the student knew or should have known of the alleged violation.
- B. A hold may be applied to the release of an official transcript, diploma or other information requested from an official record for a student who has an overdue indebtedness to the College. A hold may be applied for failure to comply with a disciplinary directive. Such a student continues to have the right to see and photocopy his official record upon request.
- C. The College shall only destroy student records in accordance with federal and state laws and regulations and as allowed by the [Records Retention & Disposition Schedule](#) for North Carolina Community Colleges. The College shall not destroy student records if there is an outstanding request, grievance or legal matter related to those records.

Adopted: 8-14-2017

Revised: 12-03-2019

Legal Reference: 10 U.S.C. § 983; 20 U.S.C. § 1232g; 34 C.F.R. pt. 99