

## **Records Access**

The Family Educational Rights and Privacy Act (FERPA) is a federal law that sets forth requirements regarding the privacy and access of student records. Under FERPA regulation students have three primary rights:

- Inspect and review their education records.
- Have some control over the release of information from their education records.
- Request to amend incorrect education records.

Current and former students of NWCCD whose education records and personally identifiable information is held by the District are the exclusive claimants to the rights described below. Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954 are also included; but in such cases, the student retains his or her rights. Applicants for admission to the District are not included until they become a student as defined below.

The following definitions apply within this procedure:

Student – individual extended an offer of admission and having a continuing educational interest in NWCCD.

College official – a person employed by NWCCD in an administrative, instructional or support staff position, or a person appointed by NWCCD to perform a specified task or project.

Legitimate educational interest – information is needed in order to perform instructional, supervisory, advisory, or administrative duties for NWCCD.

Education records – directly related to the student and maintained by NWCCD or by a party acting on behalf of NWCCD; does not include items that are defined by FERPA as not being education records (including, but not limited to, sole possession notes, law enforcement records, alumni records created after student enrollment).

- I. Students have the right to inspect and review education records and personally identifiable information pertaining to the individual.
  - A. Copies of available information will be provided by the District to the student for a reasonable fee if it is shown that the student is unable to make reasonable accommodations to visit the Records Office in person.
  - B. The District shall comply with the request within 45 calendar days, as per federal guidelines.
  - C. This right includes all records, except the following:
    1. Admission information and recommendations prior to enrollment of the particular student.
    2. Financial records of the parents of the student or any information contained therein.
    3. Confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended.
    4. Confidential recommendations for which the student has signed a waiver of the student's right of access;
      - a. Respecting admission to the District;
      - b. Respecting an application for employment; and

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- c. Respecting the receipt of an honor or honorary recognition.

Additional limitations to this particular exception are:

- a. The student is, upon request, notified of the names of all persons making confidential recommendations;
  - b. Such recommendations are used solely for the purpose for which they were specifically intended; and
  - c. Such waivers are not required as a condition for admission to, receipt of financial aid from or receipt of any other services or benefits from the District.
5. Records which are created or maintained by a physician, psychiatrist, psychologist, counselor or other recognized professional which are created and maintained only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment; provided, however, that such records are personally reviewable by a physician or other appropriate professional of the student's choice.

II. Students have the right to control and be informed of the use, release, and dissemination of education records and personally identifiable information pertaining to the individual.

- A. Such records shall not be used, released or disseminated without the written consent of the student except to the faculty, administrative staff and support staff having an educational need as identified by his/her immediate supervisor.
- B. The following exceptions apply:
  - 1. The Comptroller General of the United States; the Secretary of the Department of Health, Education and Welfare; the Commissioner; the Director of the National Institute of Education; the Assistant Secretary for Education; Wyoming State educational authorities; the Veterans Administration; and the State Approval Agency;
  - 2. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;
  - 3. Accrediting organizations in order to carry out their accrediting functions;
  - 4. In compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that the students are notified of all such orders or subpoenas in advance of the compliance therewith by the District;
  - 5. If the student has initiated legal action against the institution or vice versa, no subpoena nor student written consent is required for disclosure of the student's education records that are deemed relevant to the legal action.
  - 6. In connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons. The factors which are taken into account in determining whether records may be released in this situation include the following:
    - a. The seriousness of the threat to the health or safety of the student or other persons;
    - b. The need for such records to meet the emergency;
    - c. Whether the persons to whom such records are released are in a position to deal with the emergency; or the extent to which time is of the essence in dealing with the emergency;
  - 7. College officials may review student information as part of a Student Appeals Committee hearing an appeal in which student information is needed in order to make an informed decision (*Procedure 2050.9: Governance Committee – Student Appeals*).

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- C. The Office of the Registrar shall maintain a record, kept with the education records of each student, which will indicate all parties, other than those specified above, which have requested or obtained the information and shall indicate specifically the legitimate interest that each such party has in obtaining this information. Such record of access shall be available only to the student, to the Registrar and his/her assistants who are responsible for the custody of such records, persons or organizations authorized under II.A. above and as a means of auditing the operation of the system. Also, the District shall provide a copy of any released information to the student on request by the student.
- D. The District may release and/or make public directory information concerning students, unless a student informs the Records Office that the information designated as directory information should not be released without his or her consent. Directory information includes: name, address, phone number, e-mail address, campus, date and place of birth, major field of study, previous schools attended, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance and degrees and awards. Categories of directory information and the opportunity to prohibit their release will be made available to students at each semester's registration.
- E. With the exception of information related to use of drugs or alcohol the District shall not release information other than approved directory information except on the condition that the party to which the information is transferred will not permit any other party to have access to such information without the written consent of the student. Written notification of said condition will accompany all such releases of information.
- F. Pursuant to changes made in 1997 to FERPA, the District may contact parents or legal guardians of students under the age of 21 who are involved in disciplinary actions related to the use or abuse of alcohol or drugs. This notification may take place when it is deemed prudent by the District in order to protect the health and well-being of the student.

Procedures for informing parents or legal guardians are as follows:

1. Parents or legal guardians may be notified after the second offense.
2. Notification may take place after the first offense if the situation is considered violent and/or threatening to the health or well-being of the student or of a victim, or if there are multiple violations of the Code of Conduct.
3. Information releases will include the name of the student, the violation committed, and any sanctions imposed. The information will be released only at the conclusion of the disciplinary process.
4. Notification will be coordinated by the Division of Student Affairs.

III. Students have the right to challenge education records and personally identifiable information on the grounds that such records are inaccurate, misleading or otherwise inappropriate. All inquiries should be directed to the Office of the Registrar for resolution. If resolution is unsatisfactory, the inquiry can be directed to the the appropriate appeal process.

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