

## Chapter 5 - Student Services

### AP 5040 Student Records, Directory Information, and Privacy

#### References:

Education Code Sections 76200 et seq.; Title 5 Sections 54600 et seq.; Civil Code Section 1798.85; 20 U.S. Code Section 1232g(j) (U.S. Patriot Act)

#### Family Educational Rights and Privacy Act

The following is a summary of the Mt. San Antonio College policy related to the Family Educational Rights and Privacy Act of 1974, O.L. 93-380, and Chapter 1297, Statutes of 1976, State of California:

Students are notified annually of their rights under the Act in the College Catalog. Detailed information is available through the Dean, Enrollment Management including:

1. type of information and materials contained within the student's record;
2. the official responsible for the maintenance of each type of record;
3. the location of the log or record required to be maintained pursuant to Education Code Section 76222;
4. the criteria used by the College in defining "officials and employees" and in determining "legitimate educational interest";
5. the policies of the College for reviewing and expunging those records;
6. the right of the student to have access to his or her records;
7. the procedures for challenging the contents of the student records;
8. the cost that will be charged for reproducing copies of the records if requested;
9. the categories of information that the College has designated as Directory Information and to whom this information will be released unless the student objects; and
10. the rights of a student to file a complaint with the United States Department of Education concerning alleged failure of the College to comply with the provisions of the Act.

#### Definitions

Student record is defined as any item of information directly related to an identifiable student, other than directory information, which is maintained by the College or required to be maintained by any employee in the performance of his or her duties.

The following items are not included in student records:

1. Confidential letters and statements of recommendation maintained by the College on or before January 1, 1975, provided that these letters or statements are not used for purposes other than those for which they were specifically intended;
2. Information provided by a student's parents relating to applications for financial aid or scholarships;
3. Information related to a student compiled by a College officer or employee that remains in the sole possession of the maker and is not accessible or revealed to any other person except a substitute;
4. Information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, that is created, maintained, or used only in the provision of treatment to the student and is not available to anyone other than persons providing that treatment. However, that record may be personally reviewed by a physician or other appropriate professional of the student's choice;
5. Information maintained by the College's Public Safety Department if the personnel of the Department do not have access to student records pursuant to the exemptions below, the information maintained by the Department is kept apart from information maintained in other student records, the information is maintained solely for law enforcement purposes, and the information is not made available to persons other than law enforcement officials of the same jurisdiction; and
6. Information maintained by employees of Mt. San Antonio College in the normal course of business if the information relates exclusively to the person in that person's capacity as an employee, and is not available for use for any other purpose.

Directory Information is defined as a student's name, community of residence, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

Access is defined as a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record, and a request to release a copy of any record.

#### Access to Educational Records

All current and former students have the right to review and inspect their student records in the Admissions and Records Office. A request to review student records must be submitted in writing, and access to student records will be granted no later than 15 working days following the date of the request. Such a review will be under the direct supervision of a classified or certificated employee in the Admissions and Records Office.

## Release of Student Records Information

1. Any release of a student's records, with the exceptions listed below, must be made with the student's written consent.
2. The College may permit access to student records only to the official agencies, groups, officials, or individuals specifically mentioned below:
  - a. Officials and employees of the College, provided that such employees have a legitimate educational interest to inspect a record;
  - b. Authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, an administrative head of an educational agency, State education officials, and the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law. When the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements;
  - c. Accrediting organizations in order to carry out their functions;
  - d. Organizations conducting studies on behalf of the institution;
  - e. Officials of other public or private schools or school systems, including local, county, or state correctional facilities where educational programs are provided, where the student seeks or intends to enroll subject to the rights of students provided in Education Code Section 76225;
  - f. Agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of students may be disclosed only as may be necessary for those purposes as to determine the eligibility of the student for financial aid, to determine the amount of the financial aid, to determine the conditions that will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid;
  - g. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, and administering predictive tests, administering student aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted;
  - h. Appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health and safety of the student or other persons; and

- i. Courts or other agencies in compliance with a lawfully issued subpoena or judicial order. The College will make a reasonable effort to notify the student in advance of the compliance by the College.

The Dean, Enrollment Management is responsible for providing this information.

### 3. Directory Information:

- a. Any student desiring to withhold Directory Information may file a written request with the Dean, Enrollment Management, within five (5) days of the opening day of each semester or session that the student does not want such information released.
- b. The College reserves the right to limit or deny the release of specific categories of directory information based upon a determination of the best interests of the student(s).

### Transfer of Information to Third Parties

Educational records or personal information transferred to other institutions or agencies will not be transferred to a third party without the written consent of the student.

College personnel shall refer law enforcement requests for student information to the Admissions and Records Office or the Student Life Office.

Law enforcement personnel seeking to arrest or talk with a student are to be referred to the Department of Public Safety, who will consult with the Office of Student Life and the Office of Instruction. The student will not be identified nor located for the officer without written consent of the student or a judicial order, except in case of emergencies to protect the health and welfare of students, other persons, or property (Education Code Section 76243).

The following information shall be released to federal military recruiters for the purposes of military recruitment: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and/or the most recent previous educational institutions enrolled in by the students.

### Maintenance of Student Records

A log or record shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate interests therefor. The listing does not need to include the following:

- Students to whom access is granted pursuant to Education Code Section 76230.
- Parties to whom directory information is released.
- Parties for whom written consent has been executed by the student pursuant to Education Code Section 76242.
- Officials or employees having a legitimate educational interest pursuant to subsection (a) of Education Code Section 76243.

The log or record shall be open to inspection only by the student and the Dean, Enrollment Management or designee, and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency as defined in Public Law 93-380, and state educational authorities as a means of auditing the operation of the system.

#### Correction or Removal of Information from Student Records

Any student may file a written request with the Vice President, Student Services or designee to correct or remove information recorded in his or her student records which the student 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 the request, the Vice President, Student Services or designee shall meet with the student and the employee who recorded the information in question, if any, if the employee in question is presently employed by the College. The Vice President, Student Services or designee shall then sustain or deny the allegations. If the Vice President, Student Services or designee sustains any or all of the allegations, he or she shall order the correction or removal and destruction of the information. If the Vice President, Student Services or designee denies any or all of the allegations and refuses to order the correction or removal of the information, the student, within 30 days of the refusal, may appeal the decision in writing to the Board of Trustees.

Within 30 days of receipt of an appeal, the Board of Trustees shall, in closed session with the student and employee who recorded the information in question, if any, and if that employee is presently employed by the College, determine whether to sustain or deny the allegations. If the Board of Trustees sustains any or all of the allegations, it shall order the Vice President, Student Services or designee to immediately correct or remove and destroy the information. The decision of the Board of Trustees shall be final. Records of these proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board of Trustees unless the student initiates legal proceedings relative to the disputed information within the prescribed period.

If the final decision of the Board of Trustees is unfavorable to the student or if the student accepts an unfavorable decision by the Vice President, Student Services or designee, the student shall have the right to submit a written statement of his or her objections to the information. This statement shall become a part of the student's record until the information objected to is corrected or removed.

#### Charge for Transcripts or Verifications of Student Records

A student/former student shall be entitled to two free copies of the transcript of his/her record and two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her, at the rate of \$5.00 per copy.

The Mt. San Antonio College Catalog contains the most recent information regarding student rights and privacy. This document is updated annually for currency and correctness.

## Use of Social Security Numbers

The College may not do any of the following:

1. Publicly post or publicly display in any manner an individual's social security number;
2. Print an individual's social security number on a card required to access products or services;
3. Require an individual to transmit his or her social security number over the internet, unless the connection is secure or the social security number is encrypted;
4. Require an individual to use his or her social security number to access an internet web site, unless a password or unique personal identification number or other authentication device is also required to access the internet web site;
5. Print an individual's social security number on any materials that are mailed to the individual, unless state or federal law requires that the social security number to be on the document to be mailed. However, social security numbers may be included:
  - in applications and forms sent by mail, including documents sent as part of an application or enrollment process, or
  - to establish, amend, or terminate an account, contract, or policy, or
  - to confirm the accuracy of the social security number.

A social security number that is permitted to be mailed under this section may not be printed, in whole or in part, on a postcard or other mailer not requiring an envelope, or visible on the envelope or without the envelope having been opened.

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