

Procedure 5.4.3.2 Student Services: FERPA Annual Notice

**TRI-COUNTY
COMMUNITY COLLEGE**

**STUDENT SERVICES
FERPA ANNUAL NOTICE**

**PROCEDURE
5.4.3.2**

The Family Educational Rights and Privacy Act ("FERPA"), a federal law, provides students with certain rights with respect to their education records. These rights are:

- A. The right to inspect and review your education records within forty-five (45) days of the day the College receives a request for access. You should submit to the College's Registrar a written request that identifies the record(s) you wish to inspect. The College's Registrar will make arrangements for access and notify you of the time and place where the records may be inspected. If the records are not maintained by the College's Registrar, the Registrar will advise you of the correct official to whom your request should be made.
- B. You have the right to challenge an item in your education records believed to be inaccurate, misleading or otherwise in violation of your privacy rights. This is to be distinguished from a dispute concerning a final grade. You 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 for College and Community Initiatives 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.
- C. The right to consent to disclosures of personally identifiable information contained in your education records. FERPA requires that the College obtain your written consent prior to the disclosure of any such information with certain exceptions. College officials with a legitimate educational interest are an exception and do not need your consent. For a complete list of the disclosures that may be made without your consent, see 34 CFR Part 99.31 – 99.39. Exceptions to disclosures include, but are not limited to:
 1. Organizations conducting studies;
 2. Health/safety emergencies;
 3. Under the U.S. Patriot Act;
 4. Federal, state and local authorities;
 5. Accrediting organizations;
 6. State, local or tribal welfare agencies;
 7. College officials with legitimate educational interest;
 8. In response to subpoenas and court orders; and
 9. In response to a lawsuit where a student names the College as a party.

- D. A College official includes 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 school district with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of personally identifiable information 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.

A College official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- E. The College may release Directory Information about you unless you have advised the College to the contrary by submitting a FERPA Request for Privacy Flag form. The College has designated the following information as Directory Information: name; major field of study; participation in officially recognized activities and sports; dates of attendance, grade level and enrollment status; and degrees, honors and awards received.
1. The College shall only release Directory Information to individuals and organizations that demonstrate, in the College's opinion, a legitimate, education interest in the information or provide a direct service to the College; provided, however, the College shall release Directory Information to military recruiters in compliance with the Solomon Amendment unless you specifically restrict the release of your Directory Information.
 2. If you do not want the College to disclose your Directory Information described above from your education records to the recipients identified above without your prior written consent, you must submit a completed Request for Privacy Flag form to the Registrar within fourteen (14) days of the beginning of the academic year or within fourteen (14) days of you enrolling in the College.
- F. 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.

- G. The College may 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.
- H. You have the right to file a complaint with the U.S. Department of Education concerning alleged failures of the School District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is the:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

Questions regarding student records should be directed to the College's Office of Enrollment Management.

Adopted: 5/24/18 BOT

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