

# FERPA Policy

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## I. Policy Statement

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA; 34 CFR 99) sets forth requirements regarding the privacy of student records. The act is designed to protect the confidentiality of education records maintained by educational institutions and to give students access to their records to assure the accuracy of the contents.

The purpose of Clackamas Community College's FERPA Policy is to document the college's interpretation of and responsibilities under the act and to describe the circumstances under which the college may disclose student education records. The policy is not intended to detail all aspects of the act but instead to provide guidance to school officials on how the act is administered at Clackamas Community College (CCC). Maintenance and oversight of this policy is the responsibility of the Registrar.

## II. Definitions

Clackamas Community College adheres to the following definitions of terms.

Student: Any person who is enrolled or was enrolled in any class at Clackamas Community College. FERPA applies only to individuals defined as students.

Enrolled: A student is considered to be enrolled at the moment they register for any Clackamas Community College class.

Clackamas Community College Class: A class, offered through Clackamas Community College or any agency with which Clackamas Community College has had a cooperative agreement. Clackamas Community College classes may be taken on or off campus, through any distance learning medium, or through experiential learning or assessment of prior learning, and may be taken not for credit (e.g., audit, community education).

Classes offered on the Clackamas Community College campus through any non-affiliated agency are NOT defined as Clackamas Community College classes.

Education Record: Any record directly related to a student and maintained by the college or by a party acting for the college. Education records may be in any medium including, but not limited to: handwriting, print, computer media (including electronic databases, learning management systems, and email), videotape, audiotape, film, microfilm, and microfiche.

The following are NOT defined as education records:

- *Sole possession records*: Records or private notes that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker. Any record that is made in conjunction with a student or other school official is NOT a sole possession record.
- *Law enforcement unit records*: Records that are created, maintained, and used by Campus Security solely for law enforcement purposes.
- *Employment records*: Records relating to individuals who are employed by the institution, unless employed as a result of their status as students (e.g., work-study).
- *Treatment records*: Only in cases where litigation is being brought forward by the student claiming that treatment services were inadequate.
- *Alumni records*: Records that contain only information obtained after the individual is no longer a student.

School Official: An employee or agent of the college who acts in the student's educational interest. The following are defined as school officials:

- Any person employed by the college in an administrative, supervisory, academic, research, or support position.
- Any person employed by any agency with which the college has had a cooperative agreement that offers Clackamas Community College classes (e.g., Advanced College Credit instructors)
- School officials of any institution with an active co-enrollment agreement with the college.
- Any person elected to CCC's Board of Education.
- Students employed by the college in any capacity (e.g., work-study).
- Students, alumni, or volunteers serving on an official college committee.
- Students, alumni, or volunteers performing tasks in support of the work of the college under direct control of a college employee (e.g., Peer Assistants).
- Students and alumni who are officers of a recognized student organization.
- Any person employed or contracted by the college on a temporary basis to perform a specific task under direct control of the college (e.g., attorneys, auditors).
- Any person or entity employed or contracted by the college to perform professional or support services that would otherwise be performed by college employees (e.g., recruiting, clerical tasks, and technical support) and who is under the direct control of the college.
- Site supervisors for student internships are considered school officials if they are providing any type of evaluation.

Legitimate Educational Interest: A school official has a legitimate educational interest in accessing or reviewing a student's educational records, if the school official is:

- Performing a task that is specified in his or her position description or contract;
- Performing a task related to a student's education or to student discipline;
- Providing a service or benefit related to the student or student's family (e.g., job placement, health insurance); or
- Maintaining safety and security on campus.

#### Directory Information

Under FERPA, Clackamas Community College may disclose designated "directory information" without written consent at the discretion of the registrar. Directory information can be included in college publications or reported to

outside agencies as per college policy. Clackamas Community College has designated the following information as directory information:

- Full name
- Enrollment status (e.g. half-time, full-time, and including number of credits)
- Verification of certificate or degree award
- Residency status
- Major/Program
- Participation in athletics and activities
- Weight/Height of members of athletic teams

The following information may be released by the Dean of Academic Foundations and Connections, Registrar or their designee:

- Address, telephone number
- Class location to Public Safety in case of health or safety emergencies

Exceptions to the above may include but are not limited to:

- Release of alumni names and addresses to our Foundation Office for communication with CCC graduates
- The release and posting of names of students receiving academic honors/awards
- Student athletes may sign a release of information form through the Athletic Department for the release of information regarding registration activity, grades and access to records by their coach or the athletic director. Other student groups may also sign similar releases through their department/group.

### **III. Annual Notification**

Students will be notified annually of their FERPA rights by email and through publication of a notification statement in the printed catalog. A printed copy of the notification is available from the Registrar in the Office of Enrollment Services on request.

### **IV. Inspection of Education Records**

#### Procedure to Inspect Records

A student may request inspection of his or her education record by submitting a written, dated request to the college office that maintains the portion of the education record the student wishes to see. The request must specify as closely as possible the desired records.

Examples of offices that maintain education records include, but are not limited to, the Office of Enrollment Services (transcripts and academic records), academic departments, Office of Student and Academic Support Services (advising records, graduation records), human resources (student employment records), and financial aid (financial aid records). The Registrar in the Office of Enrollment Services is available to assist students in identifying the appropriate office(s) to which their request should be made.

The office will make the education record available to the student within forty-five (45) days of receipt of the request, as follows:

- The office will contact the student to make an appointment to view the records in person.
- The office will review the records in advance of the appointment and remove any records for which the college retains the right to refuse access, as defined below.
- The student must show appropriate photo ID (Clackamas Community College ID card, valid driver's license, or valid passport) before viewing the records.
- A designated staff person will supervise the review of the contents of the record to ensure no records are removed at the time of inspection.

Students who live more than 50 miles from Clackamas Community College or for whom the need to travel to the college represents a hardship that would effectively prevent the student from inspecting and reviewing the record, may request that copies of the record be mailed. The student should declare in the written request that he or she is unable to view the record in person and should list the address to which the records should be sent. The request must specify as closely as possible the desired records and must be signed and dated.

Note that once students have requested access to their education records, those records cannot be destroyed until inspection and review have been provided.

#### Right of the College to Refuse Access

The college reserves the right to refuse access to the following records:

- Financial statements submitted by a parent, guardian, or spouse.
- Records that are excluded from the FERPA definition of education records.

When a record contains information about more than one student, the student may inspect and review only that portion of the record which relates to him or her.

Although the college will not deny a student access to his or her education records:

- The College reserves the right to deny a request for official transcript, diploma, or certificate if the student has an unpaid financial obligation to the college or the college has an unresolved disciplinary or academic action against the student.
- The College will not release back to the student original transcripts from other academic institutions or original test score reports.
- The College normally will not provide copies of any contents of the student record. Students are free to make notes concerning the contents of the record while they review it.

## **V. Disclosure of Education Records**

### Disclosure with Student Consent

A student may consent in writing to disclosure of personally identifiable information from his or her education record to a third party. The student's written consent can be provided by filling out a "Permission to Release Education and Student Financial Record Information" form and submitting it to the Office of Enrollment Services. Other written requests and forms will be accepted as long as it is signed by the student.

### Power of Attorney

Educational records may be disclosed to a third party who has a properly executed power of attorney for a student. The power of attorney must specifically authorize access to academic records or be a general power of attorney that covers any and all documents. If all legal requirements are met, the individual listed on the power of attorney will be treated in the same manner as would the student.

### Disclosure Without Student Consent

The college may disclose personally identifiable information from an education record without the student's prior written consent only under the exceptions permitted by the act. These exceptions include, but are not limited to, disclosure of education records to the following:

- School officials with a legitimate educational interest in the specific records.
- Persons or organizations providing financial aid to students provided the information is necessary to determine eligibility or amount of aid or to enforce the terms and conditions of the aid. *The college does NOT classify parents, spouses, or other family members or acquaintances as financial aid providers under this exception.*
- Accrediting organizations to carry out their functions.
- Organizations conducting certain studies for or on behalf of the college.

- Appropriate parties in a health or safety emergency, as defined by the act.
- The Department of Defense for military recruiting purposes, as per the Solomon Amendment (under 32 CFR 216).
- Persons in compliance with a judicial order or a lawfully issued subpoena, provided that the college makes a reasonable attempt to notify the student in advance of disclosure.
- A court or administrative agency in the event of legal action between the college and a student, provided that the college makes a reasonable attempt to notify the student in advance of disclosure.
- Veterans Administration officials (under 38 USC 1790(c)).

Although FERPA permits disclosure of education records to parents who declared the student as a dependent on their most recent Federal Income Tax form, Clackamas Community College does NOT disclose information to parents under this exception.

### Records of Deceased Students

Education records are no longer protected under FERPA after a student's death; consequently the disposition of records pertaining to a deceased individual is not a FERPA issue but a matter of institutional policy. Clackamas Community College maintains full discretion in deciding whether, and under what conditions, education records of deceased students should be disclosed.

In general, the college will not release education records without written authorization of the executor/executrix of the deceased student's estate or next of kin, *if an executor/executrix has not been appointed*.

A request made by someone other than executor/executrix or next of kin for the education records of a deceased student, must submit a written request to the Registrar in the Office of Enrollment Services specifying the requester's name, relationship to the deceased, and reason for the request. Additionally, the requester must provide a death certificate or obituary notice as proof of death. The request will be reviewed by an appropriate set of individuals that will at least include the Registrar and the Associate Dean of Enrollment and Student Services, who will make the determination on a case-by-case basis.

## **VI. Disclosure of Directory Information**

Under FERPA, directory information may appear in public documents and may be disclosed to any person or entity without student consent. It is the policy of Clackamas Community College to disclose directory information as follows:

- Clackamas Community College generally releases the following directory information upon request: full name, enrollment status (e.g. half-time, full-time), verification of certificate or degree award, residency status, major/program, participation in athletics and activities, and weight/height of members of athletic teams. However, the following caveats should be noted:
  - The college reserves the right to refuse to release directory information to any person or entity at any time.
  - School officials are never required to release directory information. Any school official who has concerns about a request should decline to provide the information and consult with the Registrar.
- Clackamas Community College does NOT release lists of directory information to any person or agency making unsolicited requests.
- Directory information will NOT be released without the student's written consent if the student has submitted in writing to the Registrar a request for non-disclosure of directory information, as outlined in the annual notification statement.
  - Request for non-disclosure applies to all directory information and cannot be applied selectively to certain items of directory information.
  - Request for non-disclosure does not include the right to be anonymous in the classroom or other class environment or to impede routine classroom communication and interactions.
  - Directory information of students who have requested non-disclosure may be released under any of the exceptions permitted by the act, as outlined under *Disclosure Without Student Consent*.

The Registrar in the Office of Enrollment Services is responsible for administering requests for non-disclosure and for overseeing disclosure of directory information. Consequently, all school officials are advised to consult with the Registrar before releasing directory information.

## **VII. Amendment of Education Records**

### Requesting Amendment of Education Records

Students have the right to request the amendment of their education records if they believe the content to be inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA. The right to seek amendment of an education record does not include changes to a grade unless the grade assigned was inaccurately recorded. The request for amendment must be made in writing to the Registrar and must be signed and dated by the student. The request must include sufficient information to identify the challenged record and a statement of the reason for the request.

Within 45 days of receipt of the written request by the Registrar, the records custodian will decide whether to amend the record as requested. If the request is found to be warranted, the amendment will be made and the student will be notified in writing. If the request is not found not to be warranted, the student will be notified in writing of the reason for the decision and will be advised of the right to a hearing to challenge the content of the record.

### Request for Hearing

The request for hearing must be made in writing to the Registrar and must be signed and dated by the student. The request must include sufficient information to identify the challenged record, and should, if possible, include copies of the request for amendment and the college's written decision. The hearing will be held within a reasonable time (normally within 30 days) after the request is received, and the student will be notified at least five days in advance of the date, time, and place of the hearing.

The Dean of Academic Foundations and Connections or their designee will designate a hearing officer who does not have direct interest in the outcome. The hearing officer will have the discretion to determine whether the hearing should be conducted in- person or by telephone. The student and custodian will each have full and fair opportunity to present relevant evidence at the hearing. The student may, at the student's expense, be assisted or represented by one or more individuals, including an attorney.

The decision will be issued to the student in writing within a reasonable period of time after the hearing (normally within one week.) If the hearing officer decides that the amendment is warranted, the custodian will amend the record accordingly and notify the student in writing. If the hearing officer decides that the amendment is not warranted, the student will be notified in writing of the right to place a statement in the record commenting on the contested information.