SANTA BARBARA COMMUNITY COLLEGE DISTRICT

PROPOSED POLICY

ON

THE RELEASE AND DISCLOSURE OF INFORMATION

FROM STUDENT RECORDS

To meet the requirements of The Family Educational Rights and Privacy Act of 1974 and Title 5 Regulations of the State of California adopted in 1976, the Santa Barbara Community College District shall establish administrative procedures to provide for the confidential maintenance of student records and to provide for access to individual student's records for any former or current student.
SANTA BARBARA COMMUNITY COLLEGE DISTRICT
GUIDELINES FOR THE IMPLEMENTATION OF THE
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

In compliance with The Family Educational Rights and Privacy Act of 1974, Santa Barbara City College has adopted the following guidelines:

I. Definition of Educational Records

"Educational Records" (a) mean those records, files, documents, and other materials, which (1) contain information directly related to a student; and (2) are maintained by a district or college. (b) The term does not include: (1) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.

The following records, files, documents, and other materials which contain information directly related to a student are maintained by the college at the Admissions and Records Office:

Santa Barbara City College application for admission
High school transcripts
College transcripts
Foreign student application packet
Interdistrict release applications
Correspondence to students
Student information update forms
Program cards
Selective Service System student certifications
Veterans records
Student change of program forms
Instructor attendance and grade record books
Santa Barbara City College A.A./A.S. degree application and evaluation forms
Change of grade petitions
Student permanent scholastic record

Additional information on students which may be personally identifiable may be located at one of the following offices:

Campus Nurse's Office
Career Center
Counseling Office
Financial Aids Office
Health Occupations Office
Veterans Affairs Office

II. Access to Educational Records
Students 18 years of age or older, either presently or previously enrolled, have the right to inspect and review their educational records maintained by the college. Students who follow the procedure established by the college shall be granted access to their records within a reasonable period of time (in no case more than five working days).

A. The following records, files, documents, and other materials are expressly exempted from the right of review and inspection:

1. Financial records of the parents of the student or any information contained in these records.

2. Confidential letters and statements of recommendation which were placed in the educational records prior to January 1, 1975.

3. Confidential recommendation for admission to any educational agency or institution, or as part of an application process for employment.

4. Records of instructional, supervisory and administrative personnel which are in their sole possession and which are not accessible to any other person except a substitute.

5. Records and documents that are kept apart from the educational records described and maintained solely for law enforcement purposes if the law enforcement officials of the unit do not have access to educational records as defined, and if they do not make the records and documents available to persons other than law enforcement of the same jurisdiction.

6. Records made and maintained of persons who are employed by the college in the normal course of business which relate exclusively to the person in that person's capacity as an employee and are not available for use for any other purpose.

7. Records on a student who is attending a community college which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para-professional capacity, or assisting in that capacity, and which are created, maintained, or used 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 can be personally reviewed by a physician or other appropriate professional of the student's choice.

B. If any material or document in the educational record of a student includes information on more than one student, the student shall have the right to inspect and review only such part of the material or document as relates to him/her or to be informed of the specific information contained in such part of the material or document.

C. Procedure for Student Access to Educational Records
In order for a current or former student of the college to gain access to his/her educational records, the following procedure will be adhered to:

1. The student will submit a written request to the Assistant Dean, Admissions and Records, requesting the right to inspect and review his/her educational records. (See Exhibit B.)

2. The records will be made available to the student within a reasonable period of time (in no case more than five working days) for inspection and review. The student will be notified as to when he/she may inspect and review the records.

3. The Assistant Dean, Admissions and Records, or his designee, shall be present when the student inspects and reviews the educational records in the office where the records are maintained in order to maintain adequate safeguards to preserve the integrity of the records and to provide any necessary interpretation and explanation of entries.

4. The Assistant Dean, Admissions and Records, or his designee, has the authority to make changes in the educational records as long as such changes do not constitute interference of integrity of professional entries.

5. The student may inspect and review the records for a reasonable length of time and has the right to request of the Assistant Dean, Admissions and Records, or his designee, that copies be made for the student to keep in his possession. A reasonable fee may be levied by the college for student copies.

III. Student Right to Challenge Content of Educational Records

A. Students who are or have been in attendance at the college are afforded the opportunity to challenge the content of the educational records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide an opportunity for the correction or deletion of any inaccurate, misleading, or otherwise inappropriate data contained in the records.

It should be noted that under this challenge right the student is not granted the right to contest a grade given the student's performance in a course. With respect to grades, this procedure is only to challenge the accuracy of college records which record the grade which was actually given.

B. Informal Proceedings - Attempts to settle a dispute concerning a student's records through informal meetings and discussions between the student and college officials prior to the initiation of a formal hearing are encouraged and expressly authorized.

C. Formal Hearings

1. Once a challenge to a portion of a student's educational records has been filed, either the student or the college may request that a
hearing be held.

D. Student Record Challenges Hearing Procedure

1. Informal Proceedings

A student wishing to challenge any information contained in his/her educational records shall contact the Assistant Dean, Admissions and Records, who shall refer the student to the appropriate college official and shall provide a written explanation of the basis for his/her challenge. The college shall designate college officials who are authorized to evaluate student challenges, and, where necessary, to order the correction or deletion of information they determine to be inaccurate, misleading, or otherwise in violation of the student's right of privacy or other rights.

2. Filing of Formal Challenge

Should informal proceedings fail to resolve satisfactorily the student's contention, the student may contact the Assistant Dean, Admissions and Records, to request a formal hearing. The request shall be on a form provided by the college and shall specify the exact portion(s) of the records that the student desires to be corrected or deleted, and the precise grounds upon which he/she bases his/her challenge. The Assistant Dean, Admissions and Records, shall, within 30 days of the filing of the written request, schedule a Hearing. (See Exhibit C.)

3. Hearing Officers

The Assistant Dean, Admissions and Records, acting as designee for the Superintendent-President of the college district shall act as Hearing Officer. A written transcript of the hearing shall be presented to the Superintendent-President along with the recommended action.

4. Hearing Procedure

The Hearing Officer assigned shall select a hearing date after consultation with the student and the Superintendent-President of the district. At the hearing, the student shall be given an adequate opportunity to present witnesses and other evidence in support of his/her contentions. The student filing the challenge shall present his/her evidence first, after which appropriate members of the college administration and faculty shall have an opportunity to present evidence in support of the information contained in the challenged records. The student shall have the burden of proving that the record should be corrected or deleted.

5. Decision

The Hearing Officer shall render a decision in writing within 10 days of the conclusion of the hearing. The written decision shall
be forwarded to the Superintendent-President of the Santa Barbara Community College District who shall make the determination of what action, if any, is to be taken. If the chief administrative officer denies the allegations and refuses to order the removal of the information, the student may, within 30 days of the refusal, appeal the decision in writing to the district governing board.

Within 30 days of receipt of such an appeal, the governing board shall, in closed session with the student and the employee who recorded the information in question, if any, and if such employee is presently employed by the community college district, determine whether to sustain or deny the allegations. If the governing board sustains the allegations, it shall order the chief administrative officer to immediately remove and destroy the information. The decision of the governing board shall be final. Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing board, unless the student initiates legal proceedings relative to the disputed information within the prescribed period.

If the final decision of the governing board is unfavorable to the student, or if the student accepts an unfavorable decision by the chief administrative officer, the student shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the student's record until such time as the information objected to is removed.

IV. Release of Student Information

The college shall not release educational records or any personally identifiable information contained in them without the written consent of the adult student or his/her parents (See Exhibit A) if he/she is a minor, to any individual, agency, or organization. The exceptions to this release policy are listed below, but it should be noted that these agencies, individuals, and organizations who fit the exceptions are expressly forbidden from permitting access of these records to third parties. (See Exhibit E.)

A. Specific Exceptions

1. Records which are not considered educational records do not fall within that category and are not covered by the general rule prohibiting the release of student records. The list of specific exceptions is found earlier in this document under Part II, Access to Educational Records, Section A.

B. Other Exceptions

The following is a list of other exceptions from the general prohibition against release of information, even if the records are educational records:

1. State-level school officials and other school officials, including college instructors and other staff members who have a legitimate
educational interest. A college staff member has "legitimate educational interest" if and only if the knowledge acquired by examining a student's record will assist the staff member in teaching, advising, and/or counseling the student in a more professional manner.

2. Officials of other schools and colleges in which the student seeks, or intends to enroll, upon condition that the student be notified of the transfer of the records, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. Other schools and colleges in which the student is currently enrolled must have the written consent of the student.

3. Authorized representatives of the Comptroller General of the United States, the Secretary of HEW, and administrative head of an educational agency or state educational authorities.

These persons may only have access to information which may be necessary in connection with audit and evaluation of federally supported education programs, or in connection with enforcement of the federal legal requirements which relate to such programs. Except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such official shall be protected in a manner which will not permit the personal identification of students and their parents by other than those above-named officials. Such personally identifiable data shall be destroyed when no longer needed for audit, evaluation, and enforcement of federal legal requirements.

4. Information on a student, even if it is contained in educational records, may be released by the college if it is in connection with a student's application for or receipt of financial aid.

5. State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to State Statute adopted prior to November 19, 1974.

6. Organizations conducting studies for, or on behalf of districts or colleges 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 and their parents by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for which it is conducted.

7. Accrediting organizations in order to carry out their accrediting functions.

8. Parents of a student who claim him/her as a dependent according to the Internal Revenue Code. (Student receives over one-half of his/her financial support from the parent or parents.) Said parents are
limited to access only and are not permitted to authorize release to third parties.

9. Appropriate persons in an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

10. In compliance with judicial orders and lawfully issued subpoenas, information will be released. However, the student will be notified by mail of all such orders or subpoenas in advance of compliance by the college. (See Exhibit D.)

V. Record of Access

The college will maintain with each student's educational record an access list which includes the identity of persons who have had access to the student's records, the dates of the access, and the reasons for such access. The access list will exclude inquiries by college personnel. (See Exhibit F.)

VI. Transfer of Information by Third Parties

Personal information may be transferred to a third party only on the condition that such party will not permit access by any other party without written consent of the student.

VII. Consent

Unless the several exceptions to the general rule are applicable, the consent of the student must be obtained before records or any part thereof may be released. The consent must be in writing; signed and dated by the student. It must also include a specification of the records to be released, the reason for the release, and the names of those to whom the records will be released.

VIII. Notice

Students will be informed semesterly by the college of their rights under this policy. The following statement shall appear in the Schedule of Classes each semester:

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

All student records of Santa Barbara City College are kept in accordance with the provisions of The Family Educational Rights and Privacy Act of 1974 and Title 5 Regulations of the State of California adopted in 1976.

Students may request access to those campus records which personally identify the student; the student may challenge the accuracy of the record or the appropriateness of its retention in the campus records. Student consent is needed for the release of records covered by the Act to outside parties (e.g., prospective employers) except for those agencies entitled to access under the provisions of the Act (e.g., campus officials, other
schools, federal educational and auditing officers, and requests in connection with the application or receipt of financial aid). These provisions apply to records received and used after November 19, 1974.

A student may request a copy of a record which the student has requested or consented to be released. Particular questions with respect to a student's prerogatives under The Family Educational Rights and Privacy Act of 1974 should be directed to the Office of the Assistant Dean, Admissions and Records.

ALS/LCB/mjm

4-29-76
EXHIBIT A

AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize Santa Barbara City College to release information from my record of the type designated below to ________________________________

___ information in permanent file
___ scholastic standing
___ test scores
___ other (specify) ________________________________

Name ________________________________

Parent (if under 18 years of age) ________________________________

Date ________________________________

Witness ________________________________

Title ________________________________
EXHIBIT B

SANTA BARBARA CITY COLLEGE

STUDENT REQUEST FOR APPOINTMENT
TO REVIEW RECORDS

Please Print or Type

Request Date ____________________________

Student Name ___________________________ Soc. Sec. No. ___________________________

Local Address ___________________________ Telephone ___________________________

Currently Enrolled:  _____ Yes   _____ No  If not, dates attended SBCC _________

Please describe the information or record to which you would like to have access:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Student's Signature ____________________________

Review Date ___________ Office Reviewer ___________________________

Comments:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Office Reviewer's Signature ____________________________

Student's Signature ____________________________
EXHIBIT C

SANTA BARBARA CITY COLLEGE

REQUEST FOR A FORMAL HEARING
TO CHALLENGE EDUCATIONAL RECORDS

Print Name

Address

Telephone

Please state the precise information to be challenged:


Reason for challenging the above records:


Student's Signature ___________________________ Date ____________

Received at the Admissions Office by _______________ Date ____________
NOTICE OF SUBPOENA LETTER

Dear ____________________:

Santa Barbara City College has received a judicial order (subpoena) requesting copies, or access to your educational records. In conformance to The Family Educational Rights Act of 1974, we are required to comply with this request. Within seven calendar days from the date of this letter, you have a right to review the documents prior to mailing.

Sincerely,

Lisle C. Bresslin
Assistant Dean,
Admissions and Records

Phone: 965-0581, Ext. 352

LCB/mjm
TO WHOM IT MAY CONCERN:

We are returning this inquiry to you for the following reason:

Due to the restrictions provided in Public Law 93-380 (The Family Rights and Privacy Act of 1974) and provisions of the California Education Code, we cannot release the requested information without the written consent of the student.

It would be our suggestion that you secure a written request from the student for the release of this information. A copy of this signed release with your request could be honored by our office.

Sincerely,

Lisle C. Bresslin
Assistant Dean,
Admissions and Records

LCB/mjm
RECORD ACCESS ROSTER

(Excludes Inquiries by College Personnel)

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