SANTA BARBARA COMMUNITY COLLEGE DISTRICT

GUIDELINES FOR THE IMPLEMENTATION OF THE
FAMILY 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.

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
- International student application packet
- Correspondence to students
- Student information update forms
- Program cards
- Student change of program forms
- Instructor attendance and grade record books
- Santa Barbara City College AA/AS degree application and evaluation forms
- Change of grade petitions
- Student permanent scholastic record

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

- Campus Nurse's Office
- Career Center
- Financial Aid Office
- Veterans Affairs Office

II. Access to Educational Records

Students will be notified of their FERPA rights through the College Catalog and the Student Planning Guide. Students 18 years of age or older, either presently or previously enrolled, have the right to inspect, review and challenge 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:

Enclosure 3
Item 3.1
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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 students 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 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 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 designee, that copies be made for the student to keep in their possession. A fee will be levied by the college for student copies ($0.50/copy).

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 Records 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 questions, 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 may release limited information to the public as defined under "Directory Information." Directory information is limited to the following categories: names of students who participate in officially recognized activities and sports; names of student officers; names of students who are members of athletic teams, and their height and weight; students' previous dates of attendance for purposes of determining athletic eligibility; and names of students who receive degrees and awards at the College and confirmation if individual is presently enrolled. The college may disclose any of these items without prior written consent, unless notified in writing to the contrary.

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

Any release of a student's education records, with the exceptions listed below, must be with the student's written consent.

The college may release copies of or otherwise divulge material in student education records only to the official agencies, groups, officials, or individuals specifically mentioned in the Family Educational Rights and Privacy Act of 1974, without the student's written consent. These agencies and individuals are expressly forbidden from permitting access of said education records to third parties. The college will forward the information requested without notifying each student. Those exceptions specifically mentioned are:

a. To College and district staff who have a legitimate educational interest in the records. A college staff member is:

   o A person employed by the district as an administrator, supervisor, instructor, or support staff member.

   o A person elected to the Board of Trustees.

   o A person employed by or under contract to the district to perform a special task, such as an attorney, auditor, medical consultants, or therapists.

A school official has a legitimate educational interest if the official is:

   o Performing a task that is specified in his or her position description or by a contract agreement.

   o Performing a task related to a student's education.

   o Performing a task related to the discipline of a student.

   o Providing a service or benefit relating to the student or student's family, such as health care, counseling, or job placement.

b. To Representatives of the U.S Department of Education, the Comptroller General of the United States, of the Secretary of Health, Education, and Welfare and State and local educational authorities in connection with certain state or federally supported education programs.

c. To State and Federal educational authorities conducting official audits or program evaluations.
d. To officials of state correctional facilities or officials of other colleges and college systems in which the student seeks or intends to enroll, provided the student is notified by mail of the transfer of the records.

e. To various agencies which coordinate their activities through the college financial aids office for the purpose of processing a student's application for, receipt of, financial aid or to enforce the terms and conditions of the aid. Such agencies will have access to student records for purposes of collection on a student's financial obligations made through the college financial aids office.

f. To accrediting organizations to carry out their functions.

g. To 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.

h. To officials of another school in which a student seeks or intends to enroll upon request of such official.

i. To organizations conducting certain studies for or on behalf of the district.

j. To appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

k. To those who have obtained subpoena or judicial order. However, the student is to given prior notice by mail of the college's compliance with the order, if it is possible to do so within the time required.

l. To the Foundation of Santa Barbara City College for college related activities.

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 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, 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). The college may forward pertinent information and transcripts to other educational institutions in which the student seeks or intends to enroll. These provisions apply to records received and used after November 19, 1974.

A student may file a complaint with the Department of Education regarding alleged violations of the right accorded them by the Federal Act.

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 prerogatives under The Family Educational Rights and Privacy Act of 1974 should be directed to the Office of the Assistant Dean, Admissions and Records.