

NEW RIVER COMMUNITY AND TECHNICAL COLLEGE

Policy Number: C.600

Effective Date March 3, 2005

TITLE: Student Records Policies and Procedures for New River Community and Technical College

RATIONALE: The policy outlined in this document and the procedures to implement are designed to meet the provisions of the Family Educational Rights and Privacy Act (FERPA). New River Community and Technical College is committed to the policy and will follow the procedures.

The West Virginia Council for Community and Technical College Education authorizes the President to inform students of their rights under the policy and to commit his administrative resources to carry out the policy as well as to deal with individuals who violate it.

POLICY STATEMENT

Definitions

For the purposes of this policy, New River Community and Technical College has used the following definitions of terms.

Student--An individual who is receiving or has received instruction in an on or off-campus program, including an activity which is evaluated towards a grade such as a work study program, an academic internship, a student teaching assignment, or a student exchange program.

The term does not apply to an individual prior to or subsequent to that individual's period of attendance at the college, such as a candidate for admission, an alumnus, or a postgraduate intern in another institution.

Educational Records--Any record (in handwriting, print, tape, film, or other medium) maintained by New River Community and Technical College, an employee of the college, or an agent of the college that is directly related to a student, *except*:

1. A personal record kept by a college staff person, or agent which meets the following tests:
 - a. It was made as a personal memory aid;
 - b. It is in the sole possession of the person who made it; and,
 - c. The information contained in it has never been revealed or made available to any other person except the maker's temporary substitute. (The FERPA and this policy refer to these personal notes as "sole possession" records.)
2. An employment record used only in relation to an individual's employment by New River Community and Technical College. However, the records related to a student's employment are educational records when:
 - a. The position in which the student is employed depends on his status as a student; or,
 - b. The student receives a grade or credit based on his performance as an employee.
3. Records connected with an individual's application for admission to New River Community and Technical College prior to his actual attendance as an enrolled student. This includes records connected with an application of admission to one of the programs within the college prior to the individual's actual enrollment and attendance in that program.
4. Records which relate to an individual as an alumnus after he no longer attends or participates in an educational activity for which New River Community and Technical College awards a grade or credit.

Personal Identifier--Any data or information that relates a record to an individual. This includes the individual's name, the name of the individual's parents or other family members, the individual's address, the individual's social security number, any other number or symbol that identifies the individual, a list of the individual's personal characteristics, or any other information which would make the individual's identity known and can be used to label a record as the individual's.

Annual Notification

New River Community and Technical College will publish in the Student Handbook provided each student at registration a notice to students of their rights under the FERPA. Also, a notice of rights as well as a listing of directory information will be printed with the schedule of classes each semester.

The notice will include, but not be limited to, the following:

1. The right of a student to inspect and review his educational record.
2. The intent of New River Community and Technical College to limit the disclosure of information contained in a student's educational records to the following circumstances:
 - a. with the student's prior written consent;
 - b. as an item of directory information which the student has not refused to permit the college to disclose; or,
 - c. under the FERPA provisions which allow the college to disclose information without the student's prior written consent (see pages 9-12 of this policy).
3. The right of a student to petition New River Community and Technical College to amend or correct any part of his educational record which he believes is inaccurate, misleading, or in violation of the privacy or other rights of students. When the college decides it will not amend or correct a student's record, the student has a right to a hearing to present evidence that the record is inaccurate, misleading, or in violation of the privacy or other rights of students.
4. The right of any person to file a complaint with the Family Education Rights and Privacy Act office, Department of Education, if New River Community and Technical College violates the FERPA.

Statement of Rights

New River Community and Technical College encourages students to exercise all of their rights under the Family Educational Rights and Privacy Act and this policy. Since a student's educational record will be used repeatedly by college officials and others to make important decisions affecting the student's academic program and future career, the student should assume a personal responsibility to make certain that his educational record is complete and accurate.

This policy is intended to inform each student about New River Community and Technical College's procedures to provide students their rights to:

1. Inspect and review their educational records;
2. Exercise control (with some limitations) over disclosures of information contained in their educational records;
3. Seek to correct their educational records, in a hearing if necessary, when they believe their records are inaccurate, misleading, or in violation of the privacy or other rights of students;
4. Report violations of FERPA to the Family Education Rights and Privacy Act Office, Department of Education; and,
5. Be informed about their FERPA rights.

New River Community and Technical College has placed responsibility for administration of the FERPA with an officer, designated as the FERPA Coordinator, who shall be the Vice President for Student Services. This person is responsible for the administration of this policy. Students who have problems or questions related to the policy should contact the FERPA Coordinator for help.

Locations of Educational Records

<u>Types</u>	<u>Location</u>	<u>Custodian</u>
<i>Admissions Records</i>	Registrar's Office	Registrar
<i>Cumulative Academic Records</i>	Registrar's Office	Registrar
<i>Financial Aid Records</i>	Financial Aid Office	Director of Financial Aid
<i>Financial Records</i>	Business Office	Supervisor, Accounts

<i>Placement Records</i>	Placement Office	Receivable
<i>Disciplinary Records</i>	Student Services	Director
<i>Occasional Records</i> (Student educational records not included in the types or systems listed above, such as minutes of faculty committee meetings, copies of correspondence in offices not listed, etc.)	Various Offices. The FERPA Coordinator will collect such records, direct students to their locations, or otherwise make them available for inspection and review.	Vice President/Student Services Staff person who maintains such occasional records.

Procedure to Inspect Educational Records

New River Community and Technical College encourages students to inspect and review their educational records at least once during each academic year or, if the student has a special need, more frequently. Students who wish to inspect and review their records should submit a written request to the record custodian or to the FERPA Coordinator. The request should identify as accurately as possible the specific records the student wishes to inspect and review. It may identify records according to the types listed in this policy under "Locations of Educational Records," as records located at specific places, or as records under the custodianship of specific college officials identified by title. Records listed in this policy as "Occasional Records" should be identified in terms which make it possible for the FERPA Coordinator to locate them and make them available for the student to inspect and review.

If it is mutually convenient, the record custodian or the FERPA Coordinator will allow the student to inspect the record at once. If the student cannot inspect the records immediately, the official responsible for responding to the request will discuss with the student the possible arrangements for the inspection. This discussion will deal with such items as place, time, records security, whether the inspection should be at a single location or arranged at several locations, and whether the student will need a resource person to explain certain records.

The FERPA Coordinator or the record custodian will make the needed arrangements and advise the student of when and where the records will be available. The procedure will be

completed as promptly as possible but in all cases the student will be permitted to inspect the record within 45 calendar days after the custodian or FERPA Coordinator receives the student's request.

If for any valid reason such as work hours, distance from a student's place of residence to a record location, distance between record location sites, or health, a student cannot personally inspect and review his educational record, New River Community and Technical College will arrange for the student to obtain copies of the record. See below for information regarding fees for copies of records.

When a record contains personally identifiable information about more than one student, a student may inspect only that information which relates to him.

New River Community and Technical College reserves the right to refuse to permit a student to inspect and review the following educational records:

1. The financial statement of the student's parents.
2. Statements and letters of recommendation prepared by New River Community and Technical College officials or submitted with the student's application for admission that were placed in the student's records before January 1, 1975 or for which the student has waived his right of access in writing. *Except that*, if these statements and letters have been used for any purpose other than that for which they were originally prepared, the student may inspect and review them.
3. Those records which are excluded from the FERPA definition of educational records. See "Definitions" on pages 1-3.

Fees for Copies of Records

New River Community and Technical College will charge the following fees for copies of educational records:

1. *Transcripts*--The college will furnish each student one academic transcript at no cost. Additional transcripts will be forwarded at a fee of as established by the West Virginia Council for Community and Technical College Education.
2. *FERPA required copies of educational records*--The law requires the college to provide copies of educational records to students when:

- a. A failure to do so would effectively deny the student the right to inspect and review his record.
- b. The college has disclosed information from the student's educational record under authority of the student's prior written consent, and the student requests a copy of the information disclosed.
- c. The student requests copies of records the college has disclosed to other schools where the student seeks or intends to enroll.

The college will waive or reduce the fees for FERPA required copies for records if the fee effectively denies the student access to his record. Also, this fee is for actual copying cost and does not include the cost of search and retrieval. The fee for these copies is \$5.00 per page.

3. Copies (*not signed and certified*) of educational records will be available to students, even though the FERPA does not require them.

New River Community and Technical College reserves the right to deny transcripts or copies of records not required by the FERPA in any of the following situations:

- a. The student has an unpaid financial obligation to the college.
- b. There is an unresolved disciplinary action against the student.
- c. While there is unresolved litigation between the student and the college.

New River Community and Technical College will furnish at no cost, copies of records involved in a request to change them when the college asks the student to make a written request for the change. See pages 13-16 for the procedures to seek to change educational records.

Directory Information

New River Community and Technical College proposes to designate the personally identifiable information contained in a student's educational record listed below as "directory information" so that the college may, at its discretion, disclose the information without a student's further prior written consent:

1. Name
2. Address

3. Telephone number
4. Date and place of birth
5. Major field of study
6. Educational level and/or credits earned
7. Participation in officially recognized activities and sports
8. Weight and height of members of athletic teams
9. Dates of attendance
10. Degrees and awards received
11. The most recent previous educational agency or institution attended by the student
12. A photograph

Within the first month of each academic semester, New River Community and Technical College will publish in the schedule the above list, or a revised list, of the items of directory information it proposes to designate as directory information. When a student registers after the notice is published, the Registrar's office will provide the list to the student at registration.

After the students have been notified by the announcement in the paper or at registration, they will have two weeks to notify the FERPA Coordinator in writing of any or all of the items they do not wish designated as directory information about themselves.

When the FERPA Coordinator receives a student's refusal to permit the college to designate an item of information as directory information about that student, the Coordinator will notify the appropriate custodians of records of the student's action. The custodians will mark their records accordingly. Then they will not make any further disclosures of those items of information about that student without the student's prior written consent except to parties who have legal access to student records without written consent.

Custodians of records will refer all requests for directory information about students to the FERPA Coordinator unless the Coordinator has authorized a custodian to disclose certain items under specified circumstances.

Use of Student Educational Records

All officials of New River Community and Technical College will follow a strict policy that information contained in a student's educational record is confidential and may not be disclosed to third parties without the student's prior written consent except as otherwise provided in this section of New River Community and Technical College's Student Records Policy.

The college maintains student educational records in order for the administrative staff and the faculty to perform their proper functions to serve the student body. To carry out their responsibilities, these officials will have access to student educational records for legitimate educational purposes.

To establish college officials having access to educational records, New River Community and Technical College will apply the criteria listed below. An official is:

1. A person appointed by the Governor and confirmed by the State Senate as a member of the West Virginia Council for Community and Technical College Education or New River's Board of Governors.
2. A person approved by and under contract to New River Community and Technical College in an academic or research faculty position.
3. A person under contract to the New River Community and Technical College to serve in a College administrative position.
4. A person employed by New River Community and Technical College as a temporary substitute for an administrative staff member or faculty member for the period of his or her performance as a substitute.
5. A person employed by New River Community and Technical College or under contract to the College to perform a special administrative task. These would be persons such as secretaries, clerks, attorneys, auditors, and consultants for the period of their performance as employees or contractors.

New River Community and Technical College officials who meet the criteria listed above will have access to personally identifiable information contained in student educational records if they have a legitimate educational interest in doing so. A "legitimate educational interest" is the person's need to know in order to:

1. Perform an administrative task outlined in the official's position description or contract approved by New River's Board of Governors;
2. Perform a supervisory or instructional task directly related to the student's education; or
3. Perform a service or benefit for the student such as health care, counseling, student job placement, or student financial aid. **The following criteria shall be taken into account in determining the legitimacy of a college official's access to student records:**

The official must seek the information within the context of the responsibilities that he or she has been assigned;

The information sought must be used within the context of official college business and not for purposes extraneous to the official's area of responsibility or to the college;

The information requested must be relevant and necessary to the accomplishment of some task or to making some determination within the scope of college employment;

The task must be determined to be consistent with the purposes for which the data are maintained. Requests related to institutional research and studies are subject to this criterion.

Disclosure to a school official having a legitimate educational interest does not constitute institutional authorization to transmit, share, or disclose any or all information received to a third party. An unauthorized disclosure of personally identifiable information from the educational record of the student is prohibited without the student's prior written consent.

Within the general policy that college officials must secure a student's prior written consent before they disclose personally identifiable information contained in the student's educational records, New River Community and Technical College reserves the right for its officials to make such disclosures without the student's consent in the following circumstances:

1. When the student seeks or intends to enroll in another college or university.
2. When certain Federal and State officials need information in order to audit or enforce legal conditions related to federally-supported educational programs in the college.

3. To parties who provide or may provide financial aid to the student in order to:
 - a. Establish the student's eligibility for the aid;
 - b. Determine the amount of financial aid;
 - c. Establish the conditions for the receipt of the financial aid; or
 - d. Enforce the terms of the agreement between the provider and the receiver of the financial aid.
4. New River Community and Technical College will continue to disclose the specific items of personally identifiable information contained in a student's educational record which a State law adopted prior to November 19, 1974 required it to disclose to State or local officials.
5. When New River Community and Technical College has entered into a written agreement or contract for an organization to conduct a study on the college's behalf to develop tests, administer student aid, or improve instruction.
6. To accrediting organizations to carry out their accrediting functions.
7. To parents of a student if the parents claim the student as a dependent under the Internal Revenue Code of 1954. New River Community and Technical College will exercise this option only on the condition that evidence of such dependency is furnished to the FERPA Coordinator, and all requests for disclosures under this provision are referred to that office.
8. To comply with a judicial order or lawfully issued subpoena. The college will make a reasonable effort to notify the student before it makes a disclosure under this provision.

All requests for disclosure under the eight circumstances listed above (where the college may disclose information without prior consent to third parties other than its own officials) will be referred to the FERPA Coordinator. The FERPA Coordinator will approve or disapprove the request, and an official may not make the disclosure unless it is approved.

New River Community and Technical College authorizes its officials to make the needed disclosures from student educational records in a health or safety emergency if the official deems:

1. The disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons;

2. The information to be necessary and needed to meet the emergency;
3. The persons to whom the information is to be disclosed to be qualified and in a position to deal with the emergency; and
4. Time is to be an important and limiting factor in dealing with the emergency.

Officials of New River Community and Technical College may not disclose personally identifiable information contained in a student's educational record except directory information or under the circumstances listed above except with the student's prior written consent. The written consent must include at least:

1. A specification of the information the student consents to be disclosed;
2. The purpose for which the disclosure may be made;
3. The person or organization or the class of persons or organizations to whom the disclosure may be made; and
4. The date of the consent and, if appropriate, a date when the consent is to be terminated.

The student may obtain a copy of any records the college discloses by the student's prior written consent.

New River Community and Technical College will not release information contained in a student's educational records, except directory information, to any third parties except its own officials, unless those parties agree that they will not re-disclose the information without the student's prior written consent.

Records of Requests for Access and Disclosure Made From Educational Records

All requests for disclosures of information contained in a student's educational record or for access to the record made by persons other than New River Community and Technical College officials or the student or those requests accompanied by the student's prior written consent will be submitted to the FERPA Coordinator. The FERPA Coordinator will approve or disapprove all such requests for access and disclosures and, except for requests for directory information, he will maintain in his office a record of these actions. This record will be the college's record of

requests and disclosures from educational records as required by section 99.32 of the FERPA regulations.

This record of requests for and disclosures made from educational records will be available only to the FERPA Coordinator or the record custodians, the student, or to Federal, State or local officials for the purpose of auditing or enforcing the conditions for federally-supported educational programs.

The record will include at least:

1. The name of the person or agency that made the request;
2. The interest the person or agency had in the information;
3. The date the person or agency made the request; and
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The college will maintain this record of disclosures as long as it maintains the student's educational record.

Procedures To Seek To Correct Educational Records

Request for Correction--New River Community and Technical College encourages students to periodically inspect and review their educational records to make certain the records correctly reflect their academic progress and other achievements. The college will permit students to challenge the content of their educational records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students.

For the purpose of outlining the procedure to seek to correct educational records, the term "incorrect" will be used to describe a record that is inaccurate, misleading, or in violation of the privacy or other rights of students. Also, in this section, the term "requester" will be used to describe a student or former student who is asking the college to correct a record.

If a student or former student discovers an item he/she considers to be incorrect, in his educational record, he should informally discuss the problem with the record custodian. If the custodian finds the record is incorrect because of an obvious error, and it is a simple matter to correct it to the satisfaction of the requester, the custodian may make the change.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, the custodian will:

1. Provide the requester a copy of the questioned record at no cost; and
2. Ask the requester to initiate and provide the custodian a written request for the change.

The written request should at least identify the item the requester believes is incorrect and state whether it:

1. Is inaccurate and why;
2. Is misleading and why; or,
3. Violates the privacy or other rights of students and why.

The requester must date and sign the request.

The record custodian will then add any material to support his refusal to change the record to the request and send it to the FERPA Coordinator. The FERPA Coordinator will examine the request, discuss it with appropriate college officials, including the person who initiated the record, the College General Counsel, and other persons who might have an interest in the questioned item. At the conclusion of this investigation, the FERPA Coordinator will summarize his findings, make a recommendation for the college's action, and deliver the request, the custodian's statement, his summary of findings, and his recommendation to the President.

The President will instruct the FERPA Coordinator as to whether the record should or should not be changed in accordance with the request. If the decision is to change the record, the FERPA Coordinator will advise the custodian to make the change. The custodian will advise the requester in writing when the record has been changed and invite the requester to inspect the corrected record.

If the college's decision is that the record is correct and should not be changed, the FERPA Coordinator will prepare and send the requester a letter stating the decision. This letter will also inform the requester that:

1. The college will provide an opportunity for a hearing for the requester to present evidence that the record is inaccurate, misleading, or that it violates the privacy or other rights of students.

2. The requester may be represented or assisted in the hearing by other parties including an attorney. (The college will not assume the costs for such assistance or representation.)
3. The requester (if he/she wishes a hearing) should contact the FERPA Coordinator to discuss such details as an acceptable hearing officer, time and place for the hearing, and the time needed to present evidence. (The college will not be bound by the requester's wishes in these matters but will, so far as possible, arrange the hearing as the requester wishes.)

The Hearing--The FERPA Coordinator will report to the President that the request has asked for a hearing and recommend a hearing officer, time, and place. The President will formally appoint a hearing officer and advise the FERPA Coordinator of the appointment. The FERPA Coordinator will then arrange for the place, set a time for the hearing, and notify the requester of the arrangements.

At the hearing, the requester will be allowed a full and fair opportunity to present evidence and testimony to support his belief that the challenged material in his educational record is inaccurate, misleading, or in violation of the privacy or other rights of students. The college reserves the right to challenge evidence and cross-examine witnesses, and it will allow the requester to challenge evidence it presents and cross-examine witnesses it calls in the hearing.

Within two weeks after the hearing, the hearing officer will prepare a summary of the evidence presented at the hearing and make a recommendation, based solely on evidence presented at the hearing, concerning the request to change the record. The hearing officer will present the summary of the evidence and the recommendation to the President.

The President will advise the FERPA Coordinator of the college's decision and provide to the student a copy of the summary of the evidence presented at the hearing.

Post hearing decision--If the college's decision is that it should change the student's record, the FERPA Coordinator will advise the record custodian to make the change. He will then advise the requester in writing outlining the exact changes which the custodian will make.

If the college decides it will not change the record, the FERPA Coordinator will prepare a written notice to the requester. The notice will include:

1. The college's decision not to change the record;
2. A copy of the summary of the evidence presented at the hearing and a written statement of the reasons for the college's decision; and,

3. Advice to the requester that he may place in the record his explanatory statement giving any reasons he may have for disagreeing with the college's decision and the basis for his belief that the record is incorrect.

Final administrative step--When New River Community and Technical College receives an explanatory statement from a requester after a hearing, it will maintain the statement as part of the student's educational record as long as it maintains the questioned part of the record. Whenever the questioned part of the record is disclosed, the explanatory statement will also be disclosed.

Copies of the policy will be available for student review in the office of the Vice President/Student Services of the college. Free copies will be available to students upon request at the Registrar's Office.

RELATED POLICIES:

RESPONSIBLE OFFICE: Vice President for Student Services