

Student Records & Privacy Rights

Student Records, Directory Information, and Privacy

The superintendent/president shall assure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

The superintendent/president may direct the implementation of appropriate safeguards to assure that student records cannot be accessed or modified by any person not authorized to do so.

Any currently registered or former student of the district has a right of access to any and all student records pertaining to the student that are maintained by the district.

No district representative shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Students shall be notified of their rights with respect to student records, including the definition of directory information contained here, and that they may limit the information. Directory information shall include the following:

- ▶ Student name, address, phone number, email address, date of birth, dates of attendance, photograph, and enrollment status (full-time, half-time).
- ▶ Student participation in officially recognized activities and sports, including weight and height.
- ▶ Degrees, certificates, and awards received by students, including date, major, honors, scholarship awards, and athletic awards.
- ▶ President's List and President's Permanent Honor Roll recognition.

Release of Student Records

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student. No instructor, official, employee, or Board of Trustees member shall authorize access to student records to any person except under the following circumstances:

- ▶ Student records in the form of a transcript shall be released pursuant to a student's written or verified electronic consent. Students shall submit a signed transcript request to the Admissions and Records Office indicating the number of transcripts requested and destination. Students may submit an electronic transcript request whereby the identity of the requestor is verified through a series of questions and responses and validation of the payer. If identity cannot be verified electronically, the student's written signature will be required by the transcript-processing vendor prior to release of the academic record.
- ▶ Directory information may be released in accordance with the definitions in Board Policy 5040. Requests for release of

directory information shall be submitted to the Director of Admissions and Records or the Dean of Admissions and Student Support for approval or denial. The district reserves the right to deny any such requests. Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. Subpoenas shall be submitted to the Admissions and Records Office. The subpoenas shall be reviewed to determine the type of records requested and the appropriate office of retention of such records. Retrieval of records from college departments and offices shall be organized by Admissions and Records staff. The Director of Admissions and Records shall review the subpoena and gathered documents and, when required, prepare a declaration of records as submitted in order to comply with the subpoena. The district will make a reasonable effort to notify the eligible student of the order or subpoena in advance of compliance so that the eligible student may seek protective action, unless the disclosure is prohibited by regulation.

- ▶ Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
- ▶ Student records may be released to officials and employees of the district only when they have a legitimate educational interest to inspect the record. The supervisor of an employee who requires access to student records as part of their normal course of duties shall submit an access-to-records request as part of the hiring process. The employee shall be required to sign a confidentiality form to ensure compliance with privacy laws. Non-routine requests for access to student records shall be submitted to the Director of Admissions and Records or the Dean of Admissions and Student Support, who shall review the request for appropriate use, approve or deny the requests, and provide direction regarding proper disposal of records after use.
- ▶ Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state-education officials, or their respective designees, or the United States Office of Civil Rights, when that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements. Requests shall be submitted to the Dean of Institutional Planning, Research and Grants who in conjunction with the Director of Admissions and Records or the Dean of Admissions and Student Support shall monitor the retrieval and distribution of such records.
- ▶ Student records may be released to officials of other public or private schools or school systems, including local, county, or state correctional facilities where education programs are provided, when the student seeks or intends to register or is directed to register. The release is subject to the conditions in Education Code §76225. Requests shall be submitted to the Dean of Institutional Planning,

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Research and Grants who in conjunction with the Director of Admissions and Records or the Dean of Admissions and Student Support shall monitor the retrieval and distribution of such records.

- ▶ Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. Requests shall be submitted to the Director of Admissions and Records or the Dean of Admissions and Student Support who shall monitor the retrieval and distribution of such records.
- ▶ Student records may be released to organizations conducting studies for or on behalf of accrediting organizations, educational agencies, or institutions for the purpose of developing, validating, or administering predictive tests, administering financial-aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations, and the information will be destroyed when no longer needed for the purpose for which it is conducted. Requests shall be submitted to the Dean of Institutional Planning, Research and Grants who in conjunction with the Director of Admissions and Records or the Dean of Admissions and Student Support shall monitor the retrieval and distribution of such records.
- ▶ Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law. Requests under this procedure shall be submitted to the Director of Admissions and Records, the Dean of Admissions and Student Support, grievance officers at San Elijo Campus and the Community Learning Center, or the Vice President, Student Services, who shall review the request for appropriate use, approve or deny the requests, and provide direction regarding proper disposal of records after use.
- ▶ The following information shall be released to the federal military for the purposes of federal military recruitment: student name, address, telephone listing, date of birth, level of education, degree received, registration status, and major. Under FERPA, students may request that directory information be withheld. This protection will be honored under the Solomon Amendment.

Charge for Transcripts

A student/former student is entitled to two free copies of their transcript. Additional copies can be made available to the student or to an addressee designated by the student at the rate of five dollars per copy. A two dollar convenience fee will be added to the transcript requests submitted using the online system. Students may request special processing of a transcript.

Verifications of Student Records

A verification of enrollment certifies that the student is attending full time, half-time, or less than half-time. Degree verifications

indicate graduation and certificate information including date and major.

The college has authorized the National Student Clearinghouse to provide online degree verifications to employers and background screening firms. There is a fee for this service. If a student has restricted access to Directory Information, the Clearinghouse will require a signed release by the requestor.

Use of Social Security Numbers

Effective January 1, 2007, the district shall not do any of the following:

- ▶ Publicly post or publicly display an individual's social security number.
- ▶ Print an individual's social security number on a card required to access products or services.
- ▶ Require an individual to transmit their social security number over the Internet using a connection that is not secured or encrypted.
- ▶ Require an individual to use their social security number to access an Internet website without also requiring a password or unique personal identification number or other authentication device.
- ▶ Print, in whole or in part, an individual's social security number so that it is visible on any materials that are mailed to the individual, except those materials used for:
 - ▶ Application or registration purposes
 - ▶ To establish, amend, or terminate an account, contract, or policy
 - ▶ To confirm the accuracy of the social security number.

If the district has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- ▶ The use of the social security number is continuous.
- ▶ The individual is provided an annual disclosure that informs the individual that they have the right to stop the use of their social security number in a manner otherwise prohibited.
- ▶ MiraCosta Community College District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual.
- ▶ No fee shall be charged for implementing this request, and the district shall not deny services to an individual for making such a request

Challenging Content and Access Log

Challenging Content

Any student may file a written request with the Director of Admissions and Records to correct or remove information recorded in their student records that the student alleges to be (1) inaccurate, (2) an unsubstantiated personal conclusion or inference, (3) a conclusion or inference outside of the observer's area of competence, or (4) not based on the personal observation of a named person with the time and place of the observation noted. The Director of Admissions and Records shall identify the appropriate administrator responsible for the record(s) in question.

Within thirty (30) days of receipt of the request, the appropriate administrator shall meet with the student and the employee who recorded the information in question, if the employee is presently employed by the district. The appropriate administrator shall then sustain or deny the allegations.

If the appropriate administrator sustains any or all of the allegations, they shall order the correction or removal and destruction of the information. If the appropriate administrator denies any or all of the allegations and refuses to order the correction or removal of the information, the student, within thirty (30) days of the refusal, may appeal the decision in writing to the superintendent/president.

Within thirty (30) days of receipt of an appeal, the Board of Trustees shall, in closed session with the student and the employee who recorded the information in question, determine whether to sustain or deny the allegations. If the board sustains any or all of the allegations, it shall order the superintendent/president or designee to immediately correct or remove and destroy the information. The decision of the board shall be final. If the final decision is unfavorable to the student, the student shall have the right to submit a written statement of objection to the information. This statement shall become a part of the student's record until the objected information is corrected or removed.

Whenever there is included in any student record information concerning any disciplinary action, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

Whenever there is included in any student record information concerning any disciplinary action in connection with any alleged sexual assault or physical abuse or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within three (3) days of the results of the disciplinary action and the results of any appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

Access Log

A log or record shall be maintained for each student record that lists all persons, agencies, or organizations requesting or receiving information from the record and their legitimate interests. The listing need not include any of the following:

- ▶ Students seeking access to their own records.
- ▶ Parties to whom directory information is released.
- ▶ Parties for whom written consent has been executed by the student.
- ▶ Officials or employees having a legitimate educational interest.

The log or record shall be open to inspection only by the student and the Director of Admissions and Records, and by the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, and state educational authorities as a means of auditing the operation of the system.

(Sources: MCCD Board Policy/Administrative Procedure 5040 and MCCD Administrative Procedure 5045. All MiraCosta

College board policies and administrative procedures are located on the Board of Trustees webpage (<https://www.miracosta.edu/office-of-the-president/board-of-trustees/board-policies-and-administrative-procedures.html>).