

# CITRUS COMMUNITY COLLEGE DISTRICT BOARD POLICY

P-5180  
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## STUDENT RIGHTS AND PRIVACY

The District shall maintain student records in a manner to insure the privacy of all such records and shall not, except as authorized in the Education Code permit any access to nor release of information therein. This policy is in compliance with the (FERPA) Federal Educational Rights and Privacy Act.

### 1. Definitions

- a. Student - "Student" shall be defined as any person who is currently attending or has attended Citrus College with respect to whom Citrus College maintains educational records or personally identifiable information.
- b. Educational Records - "Educational Records" shall be defined as all documents (recorded by handwriting, print, tapes, film, microfilm or other means) maintained by the College which are directly related to an identifiable student except: (1) Information provided by a student's parents relative to applications for financial aid or scholarships. (2) Records of a College officer or employee which remain in the sole possession of the maker and which are not accessible or revealed to any other person except a substitute. For purposes of this section, a substitute shall mean a person who performs on a temporary basis the duties of the individual who made the notes and does not refer to a person who permanently succeeds the maker of the notes.

Information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional or paraprofessional 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 is not available to anyone other than persons providing such treatment; provided, however, that such a record may be personally reviewed by a physician or other appropriate profession of the student's choice.

Confidential letters and statements of recommendations maintained by the College on or before January 1, 1975, provided such letters or statements are not used for purposes other than those for which they were specifically intended.

The following Citrus College files, records, and documents shall be designated as "Educational Records" and are maintained at the Admissions and Records Office:

- (1) Application for Admission

- (2) Registration Forms
- (3) Instructor Attendance and Grade Records
- (4) Student Permanent Record Card
- (5) High School Transcripts
- (6) College Transcripts
- (7) Student Program Cards
- (8) Records Correction Form
- (9) Graduation Applications
- (10) General Education Certifications
- (11) Petitions for Change or Exception
- (12) Correspondence
- (13) Certification records of students receiving financial assistance from Social Security, Welfare, and the Veterans Administration.

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

- (1) Counseling Center
- (2) Student Employment Services
- (3) Health Center
- (4) Learning Skills Center
- (5) Financial Aid Office
- (6) Security Office
- (7) Student Activities
- (8) Community Services
- (9) Vocational Education
- (10) EOP&S Office
- (11) International Student Office
- (12) DSP&S Office
- (13) Transfer Center
- (14) Career Center
- (15) Human Resources

c. Directory Information

"Directory Information" shall be defined as: student's name, address, telephone number, date and place of birth, major field of study, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and most recent previous public or private school attended by a student.

2. Access to Educational Records

Students, as defined above, shall have the right to review and inspect their educational record maintained by the College. A student desiring to exercise this

right must put their request in writing and shall be granted access to the records in a reasonable period of time but in no case more than fifteen working days from date of receipt of the request. The Dean of Admissions and Records, or designee, shall be present when the student inspects the educational record in order to maintain adequate safeguards to insure the integrity of the records and to provide any necessary interpretation and explanation of entries.

Whenever there is included in the educational record information concerning any disciplinary action taken by District personnel in connection with the student, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

The Dean of Admissions and Records shall have the authority to make changes in the educational record so long as such changes do not constitute interference of integrity of professional entries.

The student may inspect and review the records for a reasonable length of time and has the right to request copies of documents contained in the educational record to keep in his possession. A charge of \$1.00 per page shall be made for materials which are reproduced upon student request.

### 3. Release of Educational Records

Access to a Student's educational record may be permitted to any person for whom the student has executed a written consent specifying the records to be released and identifying the party to whom the records may be released.

The consent notice shall be permanently kept with the record of access file.

Where personal information from the Educational record is provided to a third party, the following statement shall accompany the records released:

"This information is released to you in accordance with the Family Educational Rights and Privacy Act (Section 438, P.L. 93-380 and the California Education Code (Sections 25430 - 25430.18) on the condition that you will not permit any other party to have access to this information without prior written consent of the individual involved."

In accordance with the federal and state privacy laws, Citrus College shall not require written student consent to provide access to or release of educational records as prescribed in Education Code Section 76243.

4. Transfer of Information by Third Parties

When personally identifiable information contained in the educational record is transferred to a third party, it shall be stipulated that the third party shall not permit access by any other party without written consent of the student.

5. Challenge to Content of the Educational Record

Students who are, or who have been, in attendance at Citrus College shall have the right to challenge the content of their educational record in order to insure that the records are accurate and are not misleading or otherwise in violation of the privacy or other rights of the student.

Grades assigned by an instructor to indicate a student's performance in a course shall not be considered a basis for a hearing unless they were assigned by mistake, fraud, bad faith, or incompetency.

Students desiring to exercise the right of challenge shall use the following procedure:

a. Informal Hearing

A student may schedule an informal hearing with the Dean of Admissions and Records to examine the educational record for accuracy

The Dean of Admissions and Records shall have the authority to evaluate a student's challenge and, where necessary, to order the correction or deletion of information which is determined to be inaccurate, misleading, or otherwise in violation of the student's right of privacy or other rights so long as such changes do not constitute interference of integrity of professional entries.

Whenever there is included in the educational record information concerning any disciplinary action taken by District personnel in connection with the student, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

The results of the Informal Hearing shall be recorded and attached to the petition.

b. Formal Hearing

A student not satisfied with the outcome of the informal hearing may request a formal hearing. The formal hearing shall be conducted by the Vice President of Student Services acting as designee for the Superintendent/President, within thirty days of receipt of the petition. The

student shall be given the opportunity to present witnesses and other evidence in support of his contentions. The student filing the challenge shall present his evidence first, after which appropriate members of the College administration, faculty, and staff, 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. The Vice President of Student Services shall render his decision in writing within ten days of the conclusion of the hearing. The written decision shall be forwarded to the Superintendent/President –who shall make the final determination of what action, if any, is to be taken.

If the Superintendent/President sustains the student's allegations, in whole or in part, the information found to be inaccurate, misleading, or in violation of the student's right of privacy or other rights shall be corrected or deleted from the student's record. If the Superintendent/President denies the allegations and refuses to order the removal of the information, the student may, within thirty days of the refusal, appeal the decision in writing to the District Board of Trustees. Within thirty days of receipt of such an appeal, the Board of Trustees 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 District, determine whether to sustain or deny the allegations. If the Board of Trustees sustains the allegations, it shall order the Superintendent/President to immediately remove and destroy the information. The decision of the Board of Trustees 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 Board of Trustees, unless the student initiates legal proceedings relative to the disputed information within the prescribed period.

If the final decision of the Board of Trustees is unfavorable to the student, or if the student accepts an unfavorable decision by the Superintendent/President, the student shall have the right to submit a written statement of his 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.

## 6. Notice of Students Rights

Students shall be informed upon initial enrollment and annually thereafter of their rights under this policy by publication of the following statement in the Citrus College Catalog:

## EDUCATIONAL RIGHTS AND PRIVACY

Citrus College student records are maintained in accordance with the Family Educational Rights and Privacy Act and the California Education Code. Written Student Consent is required for access and the release of information defined as educational records in the federal and state laws as described in Citrus College Policy.

A student's directory information (defined in the Policy as: student's name, address, telephone number, date and place of birth, major field of study, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and most recent previous public or private school attended) may (under certain circumstances or as required by law) be released to any person upon request unless the Admissions Office receives written notification, that a student reserves the right to authorize in writing on an individual request basis the access and release of the directory information. Such a notice of restriction shall remain in effect until it is countermanded in writing.

Additionally, the laws provide that a student may request access to the College records which are personally identifiable to that student, and may challenge the accuracy or the appropriateness of retention of information in the College record.

Questions concerning student rights under the privacy acts should be directed to the Admissions and Records Office.

### 7. Destruction of Records

It is not intended that this policy should prevent the destruction of records per established College policy.

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6/6/95  
Board of Trustees First Reading..... 10/17/06  
Board of Trustees Approval ..... 11/7/06

### Reference

P.L. 93-380, Section 438, Education Amendments of 1974 (20 USCA 1232g)  
Education Code: 10753, 76200 et seq.  
Title 5: 54600 et seq.