

# STUDENT RECORDS

## Student Records, Directory Information & Privacy

**References:** Education Code Sections 66093.3 and 76200 et seq.; Title 5 Sections 54600 et seq.; and 59410; 10 U.S. Code Section 503; 20 U.S. Code Section 1232 g(j); (US Patriot Act); Civil Code Sections 1788.90 et seq. and 1798.85; ACCJC Accreditation Standard II.C.8; Board Policy 5040 – (AP/BP) Student Records, Directory Information and Privacy. A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

Former and currently enrolled students have the right of access to their student records. Student records maintained by the College District include information relevant to admissions, registration, academic history, student benefits or services, extracurricular activities, counseling and guidance. Access to a student's own records shall be granted to any student filing a written request with the Dean of Student Services or designee. Access shall be granted no later than 15 working days following the request.

### Collection and Retention of Student Information

The College District shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution's benefit programs.

The Office of Student Services shall maintain in writing District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

The College District will provide students with annual notice, at the beginning of each school year, of institutional policies for student privacy and the ability of eligible students to inspect student information.

The College District will provide students an opportunity to opt out of disclosure of directory information. Notices must describe the following:

- The kind of information that the school has identified as directory information;
- The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;
- The period of time in which the eligible student has to notify the school in writing that they do not want the information designated as directory information; and
- That opting out by the noted deadline is the students' only way to prevent the release of directory information.

Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by the College District or disclosed by the student, should be maintained only for as long as necessary.

If the College District possesses information that could indicate immigration status or citizenship status, the College District shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.

Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.

The College District shall not create a list of student names linked with immigration status.

College District police or security shall not inquire into an individual's immigration status for immigration enforcement purposes.

College District police or security shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

### Release of Student Records

No instructor, official, employee, or member of the Governing Board of the Southwestern Community College District shall authorize access to student records by any person except under the following circumstances:

- Student records shall be released pursuant to a student's written consent. The College District may permit access to student records to any person for whom the student has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released. Consent must be signed and dated by the student, and the recipient must be notified that the transmission of the information to other parties is prohibited. The consent notice shall be kept with the permanent file. Parents of non-minor students do not have access, except when written permission is received from the student.
- "Directory information" may be released in accordance with the definitions in Board Policy (BP 5040)
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. All subpoenas should be delivered to the Office of Student Services. When receiving a subpoena, designated Office of Student Services staff will:
  - Carefully review and examine its legitimacy.
  - Verify that student's name, social security number, and date of birth are consistent with school records.
  - Verify and make copies of documents requested. The documents are sent in a sealed envelope with a declaration certifying the copies are true records on file with the Southwestern Community College District. In addition, instructions for opening the sealed documents are attached to the envelope.
  - When in doubt, the Dean of Student Services will review the subpoena.
- 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 College District only when they have a legitimate educational interest to inspect a record. The person requesting the information must contact the Admissions and Records Office. Legitimate educational requests may include: academic counseling, student disciplinary processes, college safety and security needs, degree and other academic achievement checks and reviews. The Director of Admissions and Records or designee will review requests. If the request is deemed legitimate, the information will be released.
- Student records may include a student's academic history. Students who wish to dispute a course grade need to follow the Student Grade Dispute in procedure No. 5530 – Student Rights and Grievances.

- 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 educational agency, state education officials or their respective designees or the United States Office of Civil Rights, where such information is necessary to audit or evaluate a state or federal supported educational program or pursuant to a 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 which will not permit the personal identification of students or their parents 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. All requests must be directed to the Office of Student Services.
- Student records may be released to officials of other public or private schools or school systems, including local, county or state correctional facilities where educational programs are provided, where the student seeks or intends to enroll, or is directed to enroll. The release is subject to the conditions in Education Code Section 76225. Students must provide a written request with their signature to the Office of Admissions and Records requesting this action. The official transcript will be sent to the address provided by the student.
- 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, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. The Financial Aid office is responsible for release of this information.
- 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/or 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. The organization conducting the study will submit the request in writing to the Dean of Student Services or designee.
- Outside individuals, groups or organizations who wish to submit a written and formal request for a specific research project may submit their request to the SWC Institutional Research Board (IRB) or cognizant Vice President(s). Student records which are released for these research projects will be 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 to be released. Information will be destroyed when no longer needed for the purpose for which it is conducted.
- 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. The request will be submitted in writing to the Dean of Student Services or designee.
- The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, electronic mail addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, or most recent previous educational institutions enrolled in by the student. This information will be released unless prior

written objection is received from the student and placed on file with Admissions and Records.

## Access to Student Records for Immigration Enforcement Purposes

The College District must obtain a student's written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or a judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student's parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

If desired by the student, the College District must provide a copy of the records to be released. The party to whom the information is disclosed may not re-disclose the information to any other party without the prior consent of the student or subsequent court order.

College District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information:

- The Director of Enrollment Services at (619) 482-5346 or [admissions@swccd.edu](mailto:admissions@swccd.edu) is the designated person to review and respond to a request for student records.
- Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
- College District personnel shall provide a set of responses for Campus Police or Facilities staff to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the Director of Enrollment Services, College District personnel shall take the following action steps in response to an officer other than Campus Police requesting access to student records:

- Ask for the officer's name, identification number, and agency affiliation;
- Record or copy this information;
- Ask for a copy of any warrants;
- Inform the officer that you are not obstructing their efforts but that you need to contact a campus administrator or campus counsel for assistance.

Campus police or security shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

Unless the District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be

notified of any judicial order or subpoena before the institution complies with the order in accordance with FERPA.

## Charge for Transcripts or Verifications of Student Records

A student/former student shall be entitled to two free copies of the transcript of his/her/their record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her, at the rate of \$5.30 per copy. Students may request special processing of a transcript. The District will not refuse to provide a transcript for a current or former student on the grounds that the student owes a debt; condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or use transcript issuance as a tool for debt collection.

## Electronic Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding.

## Use of Social Security Numbers

The College 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 Web site without requiring a password or unique personal identification number or other authentication device; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
  - Application or enrollment purposes;
  - To establish, amend, or terminate an account, contract, or policy; or
  - 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 he/she/they has the right to stop the use of his/her/their social security number in a manner otherwise prohibited;
- The 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.

## Directory Information

Directory information may be released in accordance with the definitions in Governing Board Policy 5040. Directory information is defined as:

student's name; student ID number; email address; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; and degrees and awards received, including honors, scholarship awards, and athletic awards and honors recognitions.

The directory information may be released by Admissions and Records, unless prior written objection is received from the student and placed on file in Admissions and Records. Students can elect to withhold their directory information on the college application. At any point, students can check their withholding status at Admissions and Records.

## Student Records - Challenging Content

**References:** Education Code Sections 76222 and 76232; Title 5 Section 54630 Board Policy & Administrative Procedure No. 5040 – (BP/AP) Student Records, Directory Information & Privacy

## Challenging Content

Any student may file a written request with the Dean of Student Services or designee to correct or remove information recorded in their student records, as defined in Policy 5040, that the student alleges to be:

- a. inaccurate;
- b. an unsubstantiated personal conclusion or inference;
- c. a conclusion or inference outside of the observer's area of competence; or
- d. not based on the personal observation of a named person with the time and place of the observation noted.

Within 30 working days of receipt of the request, the Dean of Student Services or designee shall meet with the student and the employee who recorded the information in question, if any, if the employee is presently employed by the District. The Dean of Student Services or designee shall then sustain or deny the allegations.

If the Dean of Student Services or designee sustains any or all of the allegations, they shall order the correction or removal and destruction of the information. If the Dean of Student Services or designee denies any or all of the allegations and refuses to order the correction or removal of the information, the student may appeal the decision in writing to the Vice President for Student Affairs within 30 days of the refusal.

If the Vice President for Student Affairs or designee sustains any or all of the allegations, they shall order the correction or removal and destruction of the information. If the Vice President for Student Affairs or designee denies any or all of the allegations and refuses to order the correction or removal of the information, the student may appeal in writing to the Superintendent/President within 30 working days of the refusal.

If the Superintendent/President or designee sustains any or all of the allegations, they shall order the correction or removal and destruction of the information. If the Superintendent/President or designee denies any or all of the allegations and refuses to order the correction or removal of the information, the student may appeal in writing to the Governing Board within 30 working days of the refusal.

Within 30 days of receipt of an appeal, the Governing Board 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 Governing 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 Governing Board shall be in writing and shall be final.

If the final decision of the Governing Board is unfavorable to the student, the student shall have the right to submit a written statement of their objections to the information. The statement shall become part of the student's record until the information objected to is corrected or removed.

### **Disciplinary Records:**

Whenever there is any information in the student disciplinary record concerning an action, the student shall be allowed to include a written statement or response concerning the disciplinary action. Appeals to any disciplinary action will follow the guidelines in the College District Procedure No 5520 - Student Discipline Procedures.

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 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's record that lists all persons, agencies, or organizations requesting or receiving information from the record and their legitimate interests. The listing does 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 Dean of Student Services or designee, and to 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.

Offices of Primary Responsibility: Office of Student Services.