



Pima County Community College District Administrative Procedure

<i>AP Title:</i>	Family Educational Rights and Privacy Act (FERPA), Educational Records Compliance and Procedures
<i>AP Number:</i>	AP 3.11.01
<i>Adoption Date:</i>	4/12/17
<i>Schedule for Review & Update:</i>	Every three years
<i>Review Date(s):</i>	2/26/18, 12/20/19, 5/8/24
<i>Revision Date(s):</i>	2/26/18, 12/20/19
<i>Sponsoring Unit/Department:</i>	Office of the Provost
<i>Policy Title(s) & No(s):</i>	Official Student Records, BP 3.11
<i>Legal Reference:</i>	The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)
<i>Cross Reference:</i>	Delegation of Authority to the Chancellor, BP 1.05 and Data and Information Sharing, BP 1.20

PURPOSE

The purpose of this Administrative Procedure (“AP”) is to facilitate compliance with the Family Educational Rights and Privacy Act (“FERPA”).

SECTION 1: Scope of Information Protected by FERPA

FERPA protects the privacy of students’ Educational Records. Generally, the College must have a Student’s written permission to Release or allow third parties to access information from the Student’s Educational Records unless an applicable exception permits the College to Release information without the Student’s consent.

SECTION 2: Definitions

“ADA” means The Americans With Disabilities Act.

“ADR” means the College’s Office of Access and Disability Resources.

“College” means Pima Community College.

“College Official” is a person employed by the College in an administrative, supervisory, or academic role or in a support-staff position; a person or company with whom the College has contracted; a person serving on the College’s Governing Board, or a Student assisting a College Employee in the performance of that Employee’s duties for the College.

“College Sponsored Activity” means any event, activity, or endeavor officially sanctioned by the College or any on- or off-campus activity initiated, aided, authorized, or supervised by the College’s administration or official organizations.

“College Police” means the Pima Community College Police Department.

“Directory Information” means information contained in a Student’s Educational Records that would generally not be considered harmful or an invasion of privacy if Released and may be Released without prior consent. (See Section 5, below).

“Educational Record” means information in any form that is directly related to a Student and maintained by the College or by a party acting on the College’s behalf and that may not be Released without prior written permission of the Student, absent an applicable exception.

“Employee” means any person employed by the College on a full-time, part-time, temporary, or regular basis or directly engaged in the performance of work under the provision of a contract with the College. This definition does not include unpaid volunteers.

“FERPA” means the Family Educational Rights and Privacy Act, a federal law designed to protect the privacy of Educational Records, establish the right of Students to inspect and review their own Educational Records, and provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.

“Legitimate Educational Interest” means reasonably necessary for College Officials to perform their instructional, research, administrative or other professional duties and responsibilities.

“Personally Identifiable Information” means information maintained by the College that contains information which can be used to distinguish or trace the identity of an individual Student, either directly through personal identifiers or indirectly through linkages with other information.

“Record” means any information or data recorded in any medium, including, but not limited to, handwritten and printed documents, audio recordings, video recordings, digital files, microfilm, and microfiche.

“Registrar” means the College’s Office of Enrollment Services/Registrar.

“Release” means to disclose information by any means, including, but not limited to, electronic transmission, publication or issuance of printed documents, and verbal communications.

“Responsible College Official” means the College Official with primary authority over the creation, management, storage, or revision of specified Educational Records.

“Sole-Possession Record” is a Record kept in the sole possession of the maker which not accessible or reviewed by any other person except a temporary substitute for the maker of the Record.

“Student” means any person currently or previously enrolled in courses at the College on either a full-time or part-time basis, as well as any person currently or previously registered for or participating in continuing-education classes through the College.

SECTION 3: Educational Records

A. Location of Educational Records

1. Student Educational Records are maintained by Responsible College Officials in the various offices and departments throughout the College to which the Educational Records pertain.

2. The Registrar shall maintain a list of College offices and departments where commonly requested Educational Records are located, as well as contact information for the Responsible College Official within each such office or department, and make the list accessible to Students.

B. Examples of Educational Records Protected by FERPA

Educational Records may include, without limitation, the following:

1. Grades
2. Tests, exams, and assignments that have been graded
3. Class standing
4. Transcripts
5. Class rosters
6. Course schedules
7. Academic-advising records
8. Student financial information
9. Disciplinary files
10. ADA and ADR files
11. Personally Identifiable Information, including, without limitation, the following:
 - a. Social security number
 - b. Ethnicity/race
 - c. Nationality
 - d. Gender

- e. Date of birth
- f. Parent information
- g. Marital status
- h. Student identification number (A-number)
- i. Student identification photograph
- j. Personal address(es)
- k. Personal telephone number(s)
- l. Personal email address(s)

C. Information Not Considered Educational Records and Not Protected by FERPA

- 1. Sole-Possession Records
- 2. Notes taken solely as a personal memory aid
- 3. Personal knowledge and recollections
- 4. Employment records (unless the employment is contingent upon the Employee's status as Student)
- 5. Law enforcement records maintained separately and solely by the College Police
- 6. Medical records used only for treatment of a Student and made available only to those persons responsible for providing treatment
- 7. Records pertaining to a former Student that were generated after the Student was no longer enrolled at the College, such as alumni records
- 8. Directory Information (see Section 5, below)

SECTION 4: Release of Educational Records**A. Releases With a Student's Prior Written Consent**

1. The College may not Release Educational Records without a Student's prior written consent except to the extent authorized by FERPA or any superseding law.
2. Consent for the Release of a Student's Educational Records must be in writing and contain the following:
 - a. Signature of the Student
 - b. Date of the Release
 - c. Specific records to be Released
 - d. Person(s) to whom the records are to be Released
 - e. Purpose of the Release
 - f. Duration of the Release (not to exceed one year)
3. Release forms may be obtained from the Registrar. The Registrar may also make Release forms available through other Responsible College Officials.
4. Only the Educational Records specifically stated in the Student's written Release form may be Released to the designated recipient.
5. A signed Release form only authorizes the College to Release a Student's specified Educational Records to a designated recipient; it does not require the College to Release the Educational Records. The College reserves the right to decline to Release Educational Records, regardless of whether the Student has executed a valid Release form, if the College, in its sole discretion, deems the Release to be against the Student's best educational interests.
6. A signed FERPA Release form does not authorize the designated recipient of the Student's Educational Records to make any changes to the Student's enrollment or financial-aid status with the College, or to make any decisions affecting the Student's status with the College.

B. Releases Without a Student's Prior Written Consent

1. The College may Release Educational Records without a Student's prior written consent as follows:
 - a. To College Officials with Legitimate Educational Interests
 - b. To officials of other educational institutions to which the Student has applied or at which the Student intends to enroll, or where the Student is already enrolled if the disclosure is for purposes related to the Student's enrollment or transfer
 - c. To the offices of the U.S. Comptroller General, the U.S. Attorney General, and the U.S. Secretary of Education, as well as state and local educational authorities responsible for supervising the College's state-supported educational programs
 - d. In connection with financial aid for which the Student has applied or which the Student has received
 - e. To organizations conducting studies for or on behalf of the College
 - f. To organizations responsible for the College's accreditation
 - g. In connection with a health or safety emergency to the extent necessary to protect the health and safety of the Student or other individuals and narrowly tailored to the immediacy, magnitude, and specific circumstances of the emergency
 - h. To an alleged victim of a crime of violence or non-forcible sex offense allegedly committed by the Student, provided the College Releases only the final results of any disciplinary proceeding concerning the alleged crime or offense, regardless of the finding
 - i. To the general public, if the College determines the Student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the Student has been found to have committed a violation of the College's rules policies with respect to the allegation made against him or her
 - j. To comply with a judicial order or lawfully issued subpoena

- k. To a Student's parent or guardian in the limited circumstances stated in Section 5.D, below

C. Record of Disclosure Without Prior Written Consent

If an Educational Record is Released without a Student's prior written consent, the Responsible College Official will record and maintain the following information with the Released Educational Record:

1. The specific information Released by the College
2. The date the information was Released
3. The identity of the individual or organization to whom the information was Released
4. The reason for the Release (*e.g.*, the specific health and/or safety emergency)

D. Release of Records to Parents/Guardians

1. FERPA's protections apply to all College Students regardless of age, even if a Student is under the age of 18.
2. Parents and guardians of Students of the College do not have any rights under FERPA.
3. The College will generally not Release Educational Records to a Student's parent(s) or guardian(s) without the Student's prior written consent, except as follows and only if the College, in its sole discretion, determines a Release of the requested information is in the best educational interests of the Student:
 - a. To the parent(s) or guardian(s) of a Student who the parent(s) or guardian(s) have claimed as a dependent on their federal income tax return within the past year, and
 - i. The Student is under 24 years old, and

- ii.* The parent(s) or guardian(s) submit a request in writing and attach a copy of a tax return from the previous year indicating the parent(s) or guardian(s) claimed the Student as a dependent.
- b. The College may, at its discretion, Release information regarding a Student’s violation of any federal, state, or local law or College rule or policy governing the use or possession of alcohol or a controlled substance, if
 - i.* The Student is under 21 years old, and
 - ii.* The College has determined the Student committed a violation of the Student Code of Conduct with respect to such use or possession.
- c. In connection with a health and safety emergency involving the Student or other individuals (see Section 5.B.1.g, above)

SECTION 5: Directory Information

The following information is designated by the College as “Directory Information” and may, at the sole discretion of the College, be Released without the prior consent of the Student unless the Student has requested that the information remain confidential (see Section 7.E, below):

A. General Directory Information

1. Student name
2. Major field of study
3. Participation in a College Sponsored Activity
4. Dates of attendance
5. Degrees, certificates, honors, and awards received
6. Most recent educational institution attended
7. Enrollment status (*i.e.* full-time, three quarter-time, half-time, less than half-time, withdrawn, graduated or deceased)

8. Expected graduation date
9. College-issued email address (*e.g., jdoe@pima.edu*)

B. Student-Athlete Directory Information

The following is designated as Directory Information that may be Released without prior authorization only for Students who participate in officially recognized College sports:

1. Height
2. Weight
3. Photograph
4. Name and location of high school and/or last college attended

C. Personal Addresses and Telephone Numbers

Personal addresses, including local and permanent street addresses and non-College-issued email, and personal telephone numbers are considered Personally Identifiable Information and are not Released as Directory Information except for the following:

1. A Student's city of residence may be Released as part of the following:
 - a. Graduation lists Released to the news media
 - b. Notices to the news media and College personnel regarding special awards, honors, and event participation
 - c. Notices to academic honor societies of College Students eligible to be considered for membership
2. A Student's name, personal address, personal phone number, date and place of birth, level of education, most recently attended college, field of study, and degree(s) received may be Released to U.S. military recruiters upon request in accordance with the Solomon Amendment, 10 U.S.C. § 983.

SECTION 6: Students' Rights under FERPA**A. Right to Inspect and Review Records**

1. Students have the right to inspect and review all information contained in their own Educational Records, except for the following:
 - a. Financial Records of the Student's parent(s) or guardian(s) or any information contained therein
 - b. The Student's employment Records, unless the employment is required as part of the Student's academic program
 - c. Letters of recommendation for which Students have waived their right of access or which were received by the College prior to January 1, 1975
 - d. Application materials submitted to the College if the application was denied or if the applicant did not enroll with the College
 - e. Any information contained in a Student's Records regarding other specific Students
2. All requests to inspect and review Educational Records must be made in writing to the Registrar.
3. Within 45 days of the date of a Student's written request, the Registrar will make arrangements for the Student to access the requested Records and notify the Student of the date, time, and location where the Records may be inspected and reviewed.
4. If the requested Records are not maintained by the Registrar, the Registrar will advise the Student of the Responsible College Official to whom the request should be addressed.

B. No FERPA Right to Copy Records

1. Students do not have a right under FERPA to obtain copies of their Educational Records.
2. Students may copy or obtain copies of their Educational Records at their own expense at a reasonable cost per page to be determined by the Registrar.

3. Students may not remove records from the College for copying.

C. Right to Request Correction of Records

1. Students have the right to request that the College correct their own Educational Records which the Students believe are inaccurate, misleading, or in violation of their privacy rights.
2. The College is not required to make any requested changes to a Student's Records.
3. All requests for corrections shall be made in writing to the Registrar and specify the Record to be corrected, the information contained in the Record that the Student is seeking to change, and why the Student believes that information is inaccurate, misleading, or in violation of the Student's privacy rights. The Registrar will then notify the appropriate Responsible College Official of the Student's requested correction.
4. Within 10 days of receipt of the Student's request, the Responsible College Official will decide whether or not to make the Student's requested correction and notify the Registrar of the decision.
5. The Registrar will notify the Student in writing of the Responsible College Official's decision whether or not to make the requested correction.
6. If the Record is determined to be inaccurate, misleading, or in violation of the Student's privacy rights, the College will amend the Record to the extent necessary to correct the specific deficiency and notify the Student in writing of the correction.
7. Students do not have a right under FERPA to request changes to their grades or other academic determinations. Students who believe they have received grades in error should follow the College's "Student Complaint Process for Grade-Related Complaints," posted on the College's website.

D. Right to Appeal the Denial of a Request to Correct a Record

1. Within 10 days of the Registrar's notification to the Student of the decision, a Student may appeal the denial of a request to correct the Student's Records to the Registrar and request a hearing.

2. An appeal must be made in writing to the Registrar and include a copy of the Student's initial written request to correct the Record and the written decision denying the request.
3. Within 30 days of the Student's written appeal, the Registrar shall schedule a hearing with the Student, the Registrar, and the Responsible College Official and notify all parties of the date, time, and location where the hearing will take place.
4. If the Student fails to reasonably cooperate with the Registrar in scheduling the hearing or to attend the hearing at the scheduled date and time, the appeal will be dismissed and may not be resubmitted.
5. At the hearing, the burden of proof is on the Student. The Student may present evidence and/or argument(s) to the Registrar in support of the Student's belief that the Record at issue is inaccurate, misleading, or in violation of the Student's privacy rights, and the Responsible College Official may respond to the Student's evidence and/or arguments.
6. Within 10 days of the hearing, the Registrar will issue a written decision based on the evidence and argument presented at the hearing, if any, and include a summary of the evidence and the reasons for the Registrar's decision.
7. If the Registrar decides the information is inaccurate, misleading, or a violation of the Student's privacy rights, the College will correct the Record and notify the Student in writing that the correction has been made.
8. If the Registrar affirms the Responsible College Official's decision not to change the Record, the Student may submit to the Registrar a one-page statement commenting on the challenged information and/or setting forth the Student's reasons for disagreeing with the decision. The Student's statement may not include any attachments, and the Student may not insert additional documents into the Student's Records. The Registrar will ensure the Student's statement is maintained as part of the Student's Records as long as the contested information is maintained by the College. If the College Releases the contested portion of the Record, it will also Release the Student's statement.

E. Right to Withhold Disclosure of Directory Information

Students who do not want their Directory Information Released to third parties without their prior written consent should complete a form to withhold Directory Information, which is available from the Registrar. A Student's Directory Information will thereafter remain confidential until the Student instructs the Registrar in writing that the Student no longer wants the information to be confidential.

F. Right to File a Complaint for FERPA Violations

If a Student believes the College has failed to comply with the requirements of FERPA, the Student may file a complaint with the United States Department of Education by submitting it to the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

G. Termination of FERPA Rights

A Student's FERPA rights cease upon the Student's death.

SECTION 7: Destruction of Student Records

1. Nothing in this AP requires the continued maintenance or preservation by the College of any Student Record for any particular length of time.
2. The College will maintain and preserve Student Records in accordance with the College's applicable record-keeping policies and procedures, as well as to the extent required by any applicable state or federal laws.
3. If a Student has requested access to the Student's own Educational Records, the requested Records will not be destroyed before the Student has been given a reasonable opportunity to inspect and review those Records.