

DAVIDSON-DAVIE COMMUNITY COLLEGE

Students

FERPA STUDENT RIGHTS

PROCEDURE 5.4.3.2

The Family Educational Rights and Privacy Act ("FERPA"), a federal law, provides students with certain rights with respect to their education records.

FERPA STUDENT RIGHTS PARTS A – C

- A.** The right to inspect and review education records within forty-five (45) days of the day the College receives a request for access. Students should submit to the College's Registrar a written request that identifies the record(s) to inspect. The College's Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College's Registrar, the Registrar will advise the student of the correct official to whom the request should be made.

- B.** The right to challenge an item in the student's education records believed to be inaccurate, misleading or otherwise in violation of the student's privacy rights. Students may file a complaint pursuant to Policy 5.3.6 – Student Complaint beginning at Step Three. If the final decision is that the information in the record is, in the College's determination, not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the Vice President, Student Affairs shall inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the College's decision.

- C.** The right to consent to disclosures of personally identifiable information contained in the student's education records. FERPA requires that the College obtain the student's written consent prior to the disclosure of any such information with certain exceptions. College officials with a legitimate educational interest are an exception and do not need the student's consent. For a complete list of the disclosures that may be made without the student's consent, see 34 CFR Part 99.31 – 99.39. Exceptions to disclosures include, but are not limited to:
 - 1.** Organizations conducting studies;
 - 2.** Health/safety emergencies;
 - 3.** Under the U.S. Patriot Act;

4. Federal, state and local authorities;
5. Accrediting organizations;
6. State, local or tribal welfare agencies;
7. Educational officials with legitimate educational interest;
8. In response to subpoenas and court orders; and
9. In response to a lawsuit where a student names the College as a party.

FERPA STUDENT RIGHTS PART D – E

D. A College official includes any of the following when that person has **a legitimate educational interest** in having access to the information:

1. Any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed by the College;
2. A member of the College's Board of Trustees;
3. A contractor, consultant, volunteer, or other party to whom the College has outsourced services or functions, such as, but not limited to: an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, law enforcement unit, investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the College would otherwise use employees, is under the direct control of the College with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of personally identifiable information from education records; and
4. A person serving on a committee appointed by the College, such as a disciplinary or complaint committee or other review committee.

A College official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

E. The College may release Directory Information about the student unless the student has advised the College to the contrary. The College has designated the following information as Directory Information: name; address; major field of

study; participation in officially recognized activities and sports; weight and height of members of intercollegiate athletic teams, dates of attendance, grade level and enrollment status; and degrees, honors and awards received photos and videos.

1. The College shall only release Directory Information to individuals and organizations that demonstrate, in the College's opinion, a legitimate, education interest in the information or provide a direct service to the College; provided, however, the College shall release Directory Information to military recruiters in compliance with the Solomon Amendment unless the student specifically restrict the release of Directory Information.
2. If the student does not want the College to disclose Directory Information described above from the student's education records to the recipients identified above without the student's prior written consent, the student must submit a written request to the Student Records Office.

FERPA STUDENT RIGHTS PARTS F - H

- F. In compliance with Title IX, the College may disclose the final results of campus disciplinary proceedings in which a student respondent is charged with a violent crime or non-forcible sex offense. Upon the request of the complainant, disclosure may be made regardless of whether the respondent was found responsible. Disclosures to third parties may be made only if the student respondent is found responsible. Disclosure in this situation is limited to the name of the violator, the type of student code violation found to have occurred, and the sanction imposed by the College.
- G. The College may release a student's educational records to the student's parents when requested by the parents and: i) the student is listed as a dependent on the parents' tax returns; ii) the student violated a law or the College's policies regarding drugs and alcohol and the student is under the age of 21; or iii) the disclosure is needed to protect the health or safety of the eligible student or other individuals in an emergency situation.
- H. Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures of the College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is the:

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

Questions regarding student records should be directed to the College's Student Records Office.

Adopted: April, 2020

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. pt. 99