

## 4.23.1 Confidentiality of Student Records

Policy Tracking	Date
Approved	Insert date
Revised	February 20, 2008
Reviewed	

- I. The guidelines set forth are intended to protect the individual's right to privacy and the confidentiality of his/her academic records in accordance with the Buckley Amendment (Family Educational Rights and Privacy Act of 1974, as amended).
- II. Blue Ridge Community College, in execution of its responsibilities to the students, must maintain accurate and confidential student records. As institution employees who have responsibility for these records, the rights of students to have access to their academic and personal records in accordance with existing College policy and the Family Educational Rights and Privacy Act of 1974 must be recognized.
- III. Definition of Term "Educational Records": These records, as defined under the provisions of the Family Educational Rights and Privacy Act of 1974 include files, documents, and other materials which contain information directly related to a student and which are maintained by an educational institution in an authority on behalf of the institution.
- IV. The term "educational records," under the provision of the law does not include the following:
  - A. Records of Blue Ridge Community College faculty and supervisory personnel which are in the sole possession of the maker and which are not accessible or revealed to any other person except a substitute for the above-named personnel,
  - B. Student records which are made or maintained by a physician, psychiatrist, psychologist, counselor, or other recognized professional or paraprofessional acting in his or her official capacity and which are made, maintained, or used only in connection with a provision for treatment for the student and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice,
  - C. Financial records of the student and his/her parent(s), if applicable, or other information therein contained,
  - D. Confidential recommendations, if the student has signed a waiver of the student's right of access, provided that such a waiver may not be required of the student, and
  - E. Confidential letters or statements of recommendation which were placed in educational records prior to January 1, 1975, if such records or statements are not used for purposes other than those for which they were specifically intended.
- V. Control Provision on Student Records and Student Information:
  - A. Transcripts and other information are released only with written permission of the student. When information other than the transcript is released from the student's official record, the student will receive a copy of the release.
  - B. A student has the right to inspect his/her academic records whether recorded in hard copy form or recorded in the form of magnetic disks and microfilm. Upon inspection, the student is entitled to an explanation of any information contained in his or her record.
  - C. The official student file shall not be sent outside the Student Services Division except in circumstances specifically authorized by the Vice President for Student Services. The authorization for such special circumstances must be in writing.
- VI. Release of Student's Educational Records to Educational Institutions, State and Federal Agencies, Third Parties, and the Public:
  - A. Such requests for confidential information shall not be honored without proper written consent for the release of such records by the student except under conditions set forth below:
    1. The written consent must specify the records or the specific data to be released, to whom it is to be released, and the reasons for release.
    2. Each request for consent must be specific, and each request must be handled separately.

- B. Request for confidential information will be honored without prior consent of the student in connection with an emergency to protect the health or safety of the student or other persons
- C. Blue Ridge Community College considers the following information to be "Directory Information" and will release such information to individuals or entities that have a legitimate education interest in the information or provide a service on Blue Ridge Community College's behalf on request unless the individual student declares in writing to the Registrar that such information is not to be made available:
  - 1. Student's name
  - 2. Dates of attendance, degrees, diplomas, certificates, or awards received
  - 3. Major field of study or program
  - 4. Enrollment status
  - 5. Most recent educational agency or institutions attended
  - 6. Date and place of birth
  - 7. Full address
  - 8. Telephone number or e-mail address
  - 9. Participation in officially recognized activities and sports
  - 10. Weight and height of members of athletic teams
  - 11. Photograph
  - 12. Grade level
- D. Information Other Than Directory Information: Any release of student information for public use or use by the media, except that designated above must have prior written approval by the student involved.
- E. Disclosure to Government Agencies: Properly identified and authorized representatives or bona fide written requests from the Comptroller General of the United States; the Secretary of Health and Human Services; an administrative head of a federal education agency; or state educational authorities may have access to student or other records which may be necessary in connection with the audit and evaluation of federal or state supported educational programs or in connection with enforcement of the federal or legal requirements which relate to such programs. Routine requests for student data from other federal agencies may be honored without prior approval of the student only in formats where students are not identified.
- F. Faculty and administrative personnel of the college who demonstrate a legitimate educational need will be permitted to look at the official student file for a particular student.
- G. Confidential information requested by other than federal or state agencies as specified in paragraph five above will be released only under the following conditions:
  - 1. On official order of a court of competent jurisdiction.
  - 2. Subpoena (The student will be notified immediately by registered mail that his/her records are being subpoenaed).
- H. Record of Who Has Access: A record of access to the official student file will be maintained within the file itself. This record will show the name, address, date, and purpose of the person who has been granted access. All persons who have access will be included in this record except those institutional employees who, because of the nature of their duties, have been granted access.

VII. Students Right To Question Content of Their Official Student Files:

- A. A student has the right to review his or her official record or other educational records that are maintained by the College. Further, the student may question any inaccurate or misleading information and request correction or deletion of that data from the file.
- B. All requests for correction of file data will be directed to the official custodian of the file (the Registrar) and will become a part of the file in question.
- C. All requests for correction of a student file will be acted upon within a reasonable time but not more than 45 days of receipt of the request. If the Registrar can verify that such data is, in fact, in error, appropriate corrections will be made and the student will be notified in writing when the correction has been completed. If an error cannot be readily substantiated, the request will be referred to an appointed Ad Hoc Hearing Committee.
- D. After the student has had the opportunity to present his or her case to the hearing committee, the committee will render a decision in writing stating the reasons for its decision. If the decision is in agreement with the student's request, he or she will be permitted to review the file to satisfy himself or herself that the change has been correctly made. If the student's request is denied, he or she will be permitted to append a statement to the record in question, showing the basis for his or her disagreement with the denial. Such appendages will become a permanent part of the record.

VIII. Annual Notice To Students Of Their Rights Under Family Educational Rights and Privacy Act of 1974

- A. A general statement regarding release and access of student information will be published in the college catalog and Student Handbook each year.
- B. Guidelines for release of student information will be made available to students, faculty, and staff. Extra copies for this purpose will be maintained by the Registrar.

IX. Student Records which only consist of incomplete or rejected applications will be kept for two years and then destroyed by shredding.

X. The Solomon Amendment requires schools to provide military recruiters access to the following directory information on students: name, address, telephone number, date and place of birth, level of education, academic major, degrees received, and the educational institution in which the student was most recently enrolled. The College must provide the information no more than once each semester to each of the twelve (12) eligible units with the five branches of service which are the Army, Army Reserve, Army National Guard, Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, Air Force, Air Force Reserve, Air Force National Guard, Coast Guard, and Coast Guard Reserve. The Family Educational Rights and Privacy Act (FERPA) does not apply to the Solomon Amendment but does continue to apply to all other student information. Students can ask the institution to withhold this information only by having a complete "FERPA block". The Registrar's Office will make provision to supply any or all of the above information at the request of military recruiters, within the context of the other responsibilities of the office and in a format within the capabilities of the technology available for the Registrar's use.