

Procedure: 6.3.1p1. (V.J.)

Student Records Procedures

Revised: August 1, 2012
Last Reviewed: October 14, 2016
Adopted: July 10, 2001



I.PURPOSE:

The Technical College System of Georgia (TCSG) and the technical colleges shall adhere to the requirements of the Family Educational Rights and Privacy Act of 1974 (“FERPA”) and TCSG procedures concerning the accuracy and privacy of student records.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY 6.3.1. Student Records
TCSG Procedure 6.3.1p2. Definition of Directory Information
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g
34 C.F.R. §§99.1-99.67

III. APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia.

VI.DEFINITIONS N/A

V. ATTACHMENTS: N/A

VI.PROCEDURE:

Notification of Students

Annually, the technical colleges shall inform their students about the Family Educational Rights and Privacy Act of 1974 (“FERPA”). FERPA was designed to protect the privacy of educational records and to establish the right of students to inspect and review their non-privileged educational records. FERPA also provides guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students have the right to file complaints with the Family Policy Compliance Office, U.S. Department of Education, concerning alleged failures by the institution to comply with the Act. The technical colleges shall also provide a mechanism whereby students may file informal complaints within the technical college.

This policy applies to students who are or who have formerly been enrolled at a technical college.

Education Records include any records (in handwriting, print, tapes, film, computer, or other medium) maintained by the technical college or TCSG that are directly related to a student except:

- 1) A personal record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record, is not accessible or revealed to any other person except a temporary substitute for the maker of the record, and is not used for purposes other than a memory or reference tool. Records that contain information taken directly from a student or that are used to make decisions about the student are not covered by this exception.
- 2) Records created and maintained by a technical college law enforcement unit for law enforcement purposes.
- 3) An employment record of an individual whose employment is not contingent on the fact that he or she is a student.
- 4) Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment.
- 5) Alumni records that contain information about a student after he or she is no longer in attendance at the university and which do not relate to the person as a student.

Student Access to Records

Students have the right to review their official academic record, disciplinary record, and financial aid record with the following exceptions:

- 1) Any and all documents to which access has been waived by the student.
- 2) Any and all records which are excluded from the Family Educational Rights and Privacy Act's definition of educational records.
- 3) Any and all financial data and income tax forms submitted in confidence by the student's parents in connection with an application for, or receipt of, financial aid.
- 4) Any and all records connected with an application to attend a Technical College if the applicant never enrolled.
- 5) Those records that contain information on more than one student. The requesting student has the right to view only those portions of the record that pertain to his or her own educational records.

All requests shall be directed to the registrar's office at the student's technical college. Requests to review student records will be granted as soon as practicable, but in no event later than 45 days after the date of request. No documents or files may be altered or removed once a request has been filed. A student may receive a copy of any and all records to which he or she has lawful access upon payment of any copying charge established by TCSG or the technical college except when a hold has been placed on his or her record pending the

payment of debts owed the technical college, or when he or she requests a copy of a transcript, the original of which is held elsewhere.

Hearings to Challenge Accuracy of Records

If, upon inspection and review of his or her record, the student believes that the record is inaccurate, misleading or otherwise in violation of his or her privacy rights, he or she has the right to ask that the record be changed or insert a statement in the file. Such request shall be submitted in writing to the registrar's office at the student's technical college.

The registrar's office shall process the student's request and notify the student of the technical college's decision in writing. Should the request for a change be denied, the student will be notified of the technical college's decision and advised of the right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's privacy rights. The student has 30 days to appeal the decision to the president and ask for a hearing.

On behalf of the president of the technical college, a hearing officer shall conduct a hearing at which the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney. The hearing officer will consider only challenges to the accuracy of the records. Hence, whether or not a grade has been incorrectly recorded on a student's transcript may be considered but not whether the student should have been awarded a grade different from the one given.

The hearing officer shall prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. The decision of the hearing officer shall be final, save for any review that may be granted by the president of the technical college.

If the technical college decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will notify the student of the right to place in the education record a statement commenting on the challenged information and a statement setting forth reasons for disagreeing with the decision. Such a statement shall become a part of the information contained in the education record and will be disclosed with it.

A student may make a specific waiver of access to evaluations solicited and/or received under condition of confidentiality.

Release of Information

TCSG and the technical colleges will disclose information from a student's education records only with the written consent of the student, except that the records may be disclosed without consent when the disclosure is:

- 1) To TCSG and technical college officials who have a legitimate educational interest in the records.

A TCSG or technical college official is:

- A person employed by TCSG or the technical college in an administrative, supervisory, academic, research, or support staff position, including health or medical staff or outside personnel performing work usually performed by technical college personnel.
- A person serving on TCSG or the technical college's board.
- A person employed by or under contract to TCSG or the technical college to perform a special task, such as an attorney or auditor.
- A person who is employed by TCSG or the technical college's law enforcement unit.
- A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another TCSG or technical college official in performing his or her tasks.
- A contractor, consultant, volunteer or other party to whom TCSG or the technical college has outsourced institutional services as provided in 34 CFR § 99.31(a)(1)(i)(B).

A TCSG or technical college official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or contract agreement.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
- Maintaining the safety and security of the campus.
- The determination as to whether or not a legitimate educational interest exists will be made by the custodian of the records on a case by case basis. When the custodian has any question regarding the request, the custodian should withhold disclosure unless the custodian obtains consent from the student, or the concurrence of a supervisor or other appropriate official that the record may be released.

2) Subject to the requirements of 34 C.F.R. § 99.34, to officials of another school, school system or post-secondary institution, upon request, in which a student seeks or intends to enroll or where the student is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer.

3) Subject to the conditions set forth in 34 C.F.R. §99.35, authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, the Attorney General of the United States, or state and local educational authorities.

4) Technical college or TCSG officials or lending institutions, in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

- determine eligibility for the aid;
- determine the amount of the aid;
- determine the conditions for the aid; or
- enforce the terms and conditions of the aid.

5) State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to the state statute adopted prior to November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or information that is allowed to be reported pursuant to a state statute adopted after 1974, which concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released. Nothing in this paragraph shall prevent the state from further limiting the number or type of state or local officials who will continue to have access thereunder.

6) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations, information will be destroyed within a certain time period when no longer needed for the purpose for which it is conducted and enter into a written agreement with the organization. The written agreement will specify the purpose, scope and duration of the study, the information to be disclosed, use personally identifiable information from education records only to meet the purposes of the study, and requires the organization to prevent personal identification to anyone other than representatives of the organization with legitimate interests. There is no requirement that TCSG initiate or agree with the study.

7) Accrediting organizations in order to carry out their accrediting functions.

8) Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986. The parent must provide a copy of their most recent federal income tax return establishing the student's dependency. Full rights under the act shall be given to either parent, unless the institution has been provided with evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes those rights.

9) In connection with a health or safety emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or others.

10) To comply with a judicial order or lawfully issued subpoena, provided the technical college makes a reasonable effort to notify the student of the order or subpoena in advance of compliance. Notification may be prohibited if the technical college receives a federal grand jury subpoena, any other subpoena which states that the student should not be notified, or an *ex parte* order from the U.S. Attorney General concerning investigations or prosecutions under 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331. When no prior notification is given to the student, TCSG's Director of Legal Services shall be consulted prior to release of the record.

11) To an alleged victim of any crime of violence as that term is defined in Section 16 of Title 18, United States Code, or a non-forcible sex offense, the final results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime or offense with respect to that crime or offense. TCSG's Director of Legal Services shall be consulted prior to release of the record.

12) To Veterans Administration Officials pursuant to 38 U.S.C. § 3690 (c).

13) Information the technical college has designated as "directory information," unless a hold has been placed upon release of the information by the student. Even if a student elects to prohibit the release of directory information, TCSG or the technical college may still implement policies requiring the student to wear or present a student ID badge.

The following data is considered to be directory information and may be given to an inquirer, either in person, by mail or by telephone, and may be otherwise made public: full name of student, address(es), telephone number(s) email address(es), major and field(s) of study, degrees and awards including nature and date received, dates of attendance, school or division of enrollment, enrollments status, name of institution last attended, participation in official sports and activities, height and weight of athletic team members, and photographs.

The policy that such information will be made generally available will be communicated to presently enrolled students through the publication of these guidelines, so that an individual student currently enrolled may request that such directory information not be disclosed by filing notification at the registrar's office of his or her technical college. Former students who do not want directory information disclosed should make such a request in writing to their technical college's registrar.

14) To the court those records that are necessary for legal proceedings when TCSG or a student initiates legal action relevant to the student records.

15) The technical college may also disclose to any parent or legal guardian of a student under the age of 21 information about a violation of any federal state or local law, or any rule or policy of the technical college governing the use or possession of alcohol or a controlled substance if the institution determines that the student has committed a disciplinary violation with respect to such use or possession

16) To the student or the parent of a student who is not an eligible student.

17) In connection with a disciplinary proceeding if the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has violated TCSG or the technical college's rules or policies. TCSG and the technical college will not disclose the names of any other students, including victims or witnesses, without their prior written consent. 34 C.F.R. § 99.31(a)(14)

18) Concerns sex offenders and other individuals required to register under the Violent Crime Control and Law Enforcement Act of 1994 and TCSG or the technical college was provided the information under 42 U.S.C. § 14071.

19) TCSG or the technical college that has received education records may release the records or information after the removal of all personally identifiable information in the reasonable opinion of TCSG or the technical college. A code may be attached to the de-identified information that may allow the recipient to match information provided from the same source if the method for generating and assigning the code is unreleased, the code is used for no other purpose, and the code cannot be used to ascertain personally identifiable information.

Recordkeeping Requirements

TCSG or the technical colleges shall maintain a record of requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request and what records, if any, were received, the legitimate interest in the records, any additional party to whom it may be re-disclosed, and the legitimate interest the additional party had in requesting or obtaining the information. The record may be reviewed by the student. This recordkeeping is not required if the request was from, or the disclosure was to:

- 1) the student;
- 2) a school official determined to have a legitimate educational interest;
- 3) a party with written consent from the student;
- 4) a party seeking directory information or
- 5) a Federal grand jury or law enforcement agency pursuant to a subpoena that by its terms requires nondisclosure.

Record Retention: Documentation regarding disclosure of a student's educational records shall be maintained for ten (10) years.

Model FERPA Statement

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT ("FERPA") AND APPLICANT RECORDS

A. Notification of Student Rights Under FERPA

The Family Educational Rights and Privacy Act ("FERPA") affords eligible students (18 years or older) certain rights with respect to their education records maintained by TCSG or the technical college. These rights include:

1. The right to inspect and review the student's education records within forty-five days after the day that TCSG or the technical college receives the request for access. Requests for access to records should be submitted to the technical college registrar listing the records the student wishes to inspect. The registrar will make arrangements for the student to review the requested records.
2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Such requests should be made in writing clearly identifying the part of the record the student wants changed and why the record should be changed. This written request should be given to the technical college Registrar. If the technical college decides not to grant the request, the student has a right to a hearing. Details regarding the hearing will be provided with notification of the student's right to a hearing.
3. The right to provide written consent before the technical college discloses personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. A full list of the disclosures that the technical college may make without consent is [at the bottom of this statement in Section "C"] or [available at the office of the technical college registrar.] The technical college may also disclose education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the technical college in an administrative, supervisory, academic or research, or support staff position, including health or medical staff or outside personnel performing work usually performed by technical college personnel; a person serving on TCSG or the technical college's board;

a person employed by or under contract to TCSG or the technical college to perform a special task, such as an attorney or auditor; a person who is employed by a TCSG or technical college law enforcement unit; a student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another TCSG or technical college official in performing his or her tasks; or a contractor, consultant, volunteer or other party to whom TCSG or the technical college has outsourced institutional services as provided in 34 CFR § 99.31 (a)(1)(i)(B). For additional information, see TCSG Procedure for Student Records.

4. The right to file a complaint with the United States Department of Education concerning alleged failures by the technical college to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

B. Annual Notice of Directory Information Contents

“Directory Information” is information not generally considered harmful or an invasion of privacy if disclosed. Effective [insert date], the technical college has designated the following information as “Directory Information”

1. Full name of student
2. Address(es)
3. Telephone number(s)
4. Email address(es)
5. Major and field(s) of study
6. Degrees and awards including nature and date received
7. Dates of attendance
8. School or division of enrollment
9. Enrollment status (i.e., full or part-time, undergraduate, graduate)
10. Name of institution last attended
11. Participation in official sports and activities
12. Height and weight of athletic team members
13. Photograph(s)

Students who wish to prohibit the release of directory information should file a written notification at the Technical college registrar’s office.

C. [Optional or Handout at Registrar’s office] Disclosures of Personally Identifiable Information Without Consent

FERPA permits the disclosure of personally identifiable information from students’ education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of the FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. For additional information on these categories, see TCSG Procedure for

Student Records. A postsecondary institution may disclose personally identifiable information without obtaining prior written consent of the student:

1. To TCSG and technical college officials who have a legitimate educational interest in the records.
2. To officials of another school in which a student seeks or intends to enroll or where the student is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer.
3. To authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, the Attorney General of the United States, or state and local educational authorities.
4. Technical college or TCSG officials or lending institutions, in connection with financial aid for which the student has applied or which the student has received.
5. State and local officials or authorities concerning the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.
6. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations.
7. Accrediting organizations in order to carry out their accrediting functions.
8. Parents of a dependent student. The parent must provide a copy of their most recent federal income tax return establishing the student's dependency.
9. In connection with a health or safety emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or others.
10. To comply with a judicial order or lawfully issued subpoena, provided the technical college makes a reasonable effort to notify the student of the order or subpoena in advance of compliance. However, notification may be prohibited by the terms of the subpoena in certain circumstances.
11. To an alleged victim of any crime of violence or a non-forcible sex offense, the final results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime or offense with respect to that crime or offense.
12. To Veterans Administration Officials pursuant to 38 U.S.C. § 3690 (c).
13. Information the technical college has designated as "directory information," unless a hold has been placed upon release of the information by the student.

14. To the court those records that are necessary for legal proceedings when TCSG or a student initiates legal action relevant to the student records.

15. The technical college may also disclose to any parent or legal guardian of a student under the age of 21 information about a violation of any federal state or local law, or any rule or policy of the technical college governing the use or possession of alcohol or a controlled substance if the institution determines that the student has committed a disciplinary violation with respect to such use or possession

16. To the student or the parent of a student who is not an eligible student.

17. In connection with a disciplinary proceeding if the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has violated the technical college's rules or policies. The technical college will not disclose the names of any other students, including victims or witnesses, without their prior written consent.

18. Concerns sex offenders and other individuals required to register under the Violent Crime Control and Law Enforcement Act of 1994 and the technical college was provided the information under 42 U.S.C. § 14071.

19. The technical college that has received education records may release the records or information after the removal of all personally identifiable information in the reasonable opinion of the technical college. A code may be attached to the de-identified information that may allow the recipient to match information provided from the same source if the method for generating and assigning the code is unreleased, the code is used for no other purpose, and the code cannot be used to ascertain personally identifiable information.

VII. RECORD RETENTION: