

# APPENDIX I

## Privacy Rights Governing Student Records

Reference: Board Policy 5040 Student Records, Directory Information and Privacy (<https://go.boarddocs.com/ca/vcccd/Board.nsf/goto/?open&id=ARMTNP778CF9>); Administrative Procedure 5040 Student Records, Directory Information and Privacy (<https://go.boarddocs.com/ca/vcccd/Board.nsf/goto/?open&id=ARMTTU783738>)

Pursuant to the Federal Educational Rights and Privacy Act (FERPA), the California Education Code (§76240 et. seq.), and the California Administrative Code Title 5, student records are maintained in manner to ensure privacy of such records. The colleges of this district shall not, except as authorized, permit any access to or release of any information therein.

For purposes of this article and for use in the enforcement of FERPA procedures, a student is defined as an individual who is or has been in attendance at one of the colleges of the Ventura County Community College District. "In attendance" is defined as an individual whose application has been accepted and entered into the district student database.

The colleges of the Ventura County Community College District establish and maintain information on students relevant to admission, registration, academic history, career, student benefits or services, extracurricular activities, counseling and guidance, discipline or matters related to student conduct, and shall establish and maintain such information required by law. All such records are maintained under the direction of the Vice President of Student Affairs or designee.

The College is not authorized to permit access to student records to any person outside of the college without the written consent of the student or under judicial order except to college officials and employees with legitimate educational interest. Student records are available in cases of requests for directory information or noted exceptions to law requiring response to subpoenas and court orders.

## Directory Information

The colleges of this District maintain directory information which may be released to the public without the written consent of the student. Directory information may include: student's name; address; telephone number; date of birth; major field of study; participation in officially recognized activities and sports; dates of attendance; degrees and awards received; the most recent educational institution attended by the student; and weight and height of members of athletic teams.

Directory information will be released to branches of the United States military services in compliance with the Solomon Act, the National Student Clearinghouse, and may be released to other parties in accordance with the Education Code §76240. No directory information shall be released regarding any student or former student who has notified the District or any college thereof in writing that such information shall not be released. Such requests shall be addressed to the Vice President of Student Support or designee.

The college will forward a student's educational records to other institutions of higher education that have requested the records and in which the student seeks or intends to enroll, providing such release of educational records complies with the requirements of FERPA.

FERPA affords students certain rights with respect to their education records. These rights include:

1. Each student has the right to inspect and review the record of his/ her own education. Any currently enrolled or former student has the right to access any or all records relating to the student which are maintained by this District. The editing or withholding of such records is prohibited, except as provided by law. Requests for access shall be in writing, addressed to the Vice President of Student Support or designee at the college of attendance, and shall clearly identify the records requested for inspection and review. Requests by students to inspect and review records shall be granted no later than 15 days following the date of request. The inspections and review shall occur during regular school hours. The Vice President of Student Support or designee shall notify the student of the location of all official records which have been requested and provide personnel to interpret records where appropriate.

Access to student records may be permitted to any person for whom the student has executed written consent specifying the records to be released and identifying the party to whom the records may be released. Information concerning a student shall be furnished in compliance with a court order. The college shall make a reasonable effort to notify the student in advance of such compliance if lawfully possible within the requirements of the judicial order.

Students, for a fee determined by the Board, may request copies of their records.

Students may request copies of records for review. A fee of one dollar (\$1) will be charged per page per copy.

In accordance with the Family Education Rights and Privacy Act of 1974, all other student information, excluding that designated as Directory Information, cannot be released to a third party without written permission submitted to the college by the student. This law applies to all students attending the colleges of the Ventura County Community College District, regardless of the student's age.

2. Each student has the right to request amendment of the education records the student believes is inaccurate. Any student may file a written request with the President of the college or the designee to remove student records which the student alleges to be: (1) inaccurate, (2) an unsubstantiated conclusion or inference, (3) a conclusion or inference outside the observers' areas of competence, (4) not based on personal observations of the named person with the time and place of the observation noted. Allegations which are sustained shall be expunged and the record removed and destroyed.

Students filing a written request shall be provided a hearing and receive, in writing, a decision either sustaining or denying the allegations. All decisions of the Governing Board are final. Allegations which have been denied by the college may be further appealed to the Chancellor of the Ventura County Community College District and his or her designee. Allegations which have been denied by the Chancellor may be further appealed to the Governing Board of the Ventura County Community College District who shall meet with the student, within 30 days of receipt of such appeal, to determine whether to sustain or deny the allegations. All decisions of the Governing Board shall be final.

Each student has the right to consent to disclosures of personally identifiable information contained in the education records, except to the extent that FERPA authorizes disclosure without consent.

3. One exception which permits disclosure without consent allows access to school officials with legitimate educational interests, including review of academic records to fulfill their professional responsibility to the College or District. A school official is a person employed by the College District in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College District has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a person serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

In compliance with California Education Code §76222, a log or record shall be maintained of persons, agencies or organizations requesting and receiving information from a student record. Also pursuant to code, such log or record will not include the following:

- A student to whom access is granted pursuant to Education Code §76230.
- Parties to whom directory information is released pursuant to §76240.
- Parties for whom written consent is executed by the student pursuant to §76242.
- Officials or employees having a legitimate educational interest pursuant to §76243(a).

Such record shall be open to inspection only by the student and the college official or his or her designee responsible for the maintenance of student records, and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency as defined in Public Law 93-380, and state educational authorities as a means of auditing the operation of the system.

4. Each student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. Any concerns of this nature may be addressed to:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920