

# APPENDIX I

## Privacy Rights Governing Student Records

Reference: Board Policy 5040 Student Records, Directory Information, and Privacy (<http://go.boarddocs.com/ca/vcccd/Board.nsf/goto/?open&id=CQJQWU6B5967>); Administrative Procedure 5040 Student Records, Directory Information, and Privacy (<https://go.boarddocs.com/ca/vcccd/Board.nsf/goto/?open&id=CSJULU7CA0F1>)

Pursuant to the Federal Educational Rights and Privacy Act (FERPA), the California Education Code, and the California Administrative Code Title 5, the colleges of the Ventura County Community College District shall maintain student records in a manner to ensure the privacy of all such records and shall not, except as otherwise herein authorized, permit any access to or release of information therein.

### Collection and Retention of Student Information

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

The Ventura County Community College District shall treat all students equitably in receipt of all school services, including, but not limited to, the gathering of student and family information for the institution's benefit programs.

The Governing Board of the Ventura County Community College District shall maintain in writing policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

The District will provide students with annual notice of institutional policies for student privacy including the right to inspect student information and the opportunity to opt out of disclosure of "directory information" (described below). Notices include the following:

- Information identified as directory information.
- The eligible student's ability to refuse to allow information to be designated as directory information, which could be disclosed to outside entities.
- The period of time in which the eligible student has to notify the school in writing that they do not want the information designated as directory information; and
- That opting out by the noted deadline is the students' only way to prevent the release of directory information.

Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by the District or disclosed by the student, should be maintained only for as long as necessary.

If the District possesses information that could indicate immigrations status or citizenship status, the District shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.

Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.

The District shall not create a list of student names linked with immigration status.

District police or security departments shall not inquire into an individual's immigration status for immigration enforcement purposes.

District police or security departments shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

### Release of Student Records

The colleges of the district are not authorized to permit access to student records to any person without the written consent of the student or under judicial order except to college officials and employees with legitimate educational interest, except in cases of requests for directory information or noted exceptions to law requiring response to subpoenas and court orders. The right to release student records lies only with the student in institutions of postsecondary education, regardless of the student's age.

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. "Student records" are defined as records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the educational agency or institution.

No instructor, official, employee, or Governing Board member or agent of the District shall authorize access to student records to any person except under the following circumstances:

- Student records shall be released pursuant to a student's written consent.
- The colleges of this District maintain directory information which may be released to the public without written consent of the student. Directory information may be released in accordance with the definitions in BP 5040 Student Records, Directory Information, and Privacy. There is no requirement to release Directory Information. 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 Chief Student Services Officer (CSSO) or designee.
  - Directory information may include; student's name; address; telephone number; date of birth, major field of study; student participation in officially recognized activities and sports; including weight, height and high school of graduation of athletic team members; dates of attendance; degrees and awards received, including honors, scholarship awards, athletic awards and Dean's list recognitions; and the most recent educational institution attended by the student.
  - 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.
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena, following a review by legal counsel to the District.
- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.

- Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record.
  - A school official is a person employed by the District in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel Student and health staff); a person or company with whom the 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 their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.
- Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements. A request to release student records to the agencies listed above must be made in writing with the Registrar's Office.
- Student records may be released to officials of other public or private schools or school systems, including local, county or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225. A request to release student records to the agencies listed above must be made in writing to the Registrar's Office.
- Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. A request to release student records to the agencies listed above must be made in writing to the Financial Aid Officer.
- Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted. A request to release student records to the agencies listed above must be made in writing to the CSSO or designee.
- Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other person, subject to applicable federal or state law. A request to release student records to the agencies listed above must be made in writing to the Dean of Student Services or designee, Campus Police or the Registrar's Office.
- The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, telephone listings, dates, and place of birth, levels of education, major(s), degrees received, prior military experience, and/or the most recent previous educational institutions enrolled in by the students.

## Student Rights to Review and Request Amendment to Records

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

A. The right to inspect and review their own education record. Any currently enrolled or former student has a right to access any or all student 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 CSSO 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 CSSO 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.

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 (FERPA), 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.

B. The right to request the amendment of the student's education records that 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.

Allegations which have been denied by the college may be further appealed to the Chancellor of the Ventura County Community College District and their 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.

## Student Right to File a Complaint Alleging Violation of FERPA

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. The name and address of the Office that administers FERPA are:

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

## Access to Student Records for Immigration Enforcement Purposes

The District must obtain a student's written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student's parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

If desired by the student, the District must provide a copy of the records to be released. The party to whom the information is disclosed may not re-disclose the information to any other party without prior consent of the student or subsequent court order.

District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At a minimum, such policies shall include the following information:

- Contact information for the correct person to review and respond to a request for student records.
- Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
- District personnel shall provide a set of responses for staff to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the designated campus official, District personnel shall take the following steps in response to an officer other than campus police requesting access to student records:

1. Ask for the officer's name, identification number, and agency affiliation.
2. Record or copy this information.
3. Ask for a copy of any warrants.
4. Inform the officer that you are not obstructing their efforts but that you need to contact a campus administrator or campus counsel for assistance.

Campus police or security shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education financial matters, medical or employment history, and statements made by,

or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

Unless the District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with FERPA.

## Charge for Transcripts or Verifications of Student Records

Any student/former student shall be entitled to two free copies of the transcript of their record or two free verifications of various student records. Additional copies shall be made available to the student, or to a designated addressee, at the rate published in the most current catalog or college website. Students may request special processing of a transcript.

The District will not refuse to provide a transcript for a current or former student on the grounds that the student owes a debt; condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or use transcript issuance as a tool for debt collection.

## Electronic Transcripts

The District may elect to utilize a process for the receipt and transmission of electronic student transcripts contingent upon receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding and to charge students a fee deemed reasonable in compliance with state law for the electronic transmission of transcripts.

## Use of Social Security Numbers

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number.
- Print an individual's social security number on a card required to access products or services.
- Require an individual to transmit their social security number over the Internet using a connection that is not secured or encrypted.
- Require an individual to use their social security to access an Internet website without also requiring a password or unique personal identification number or another authentication devise; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
  - Application or enrollment purposes.
  - To establish, amend, or terminate an account, contract, or policy; or
  - To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous.
- The individual is provided with an annual disclosure that informs the individual that they have the right to stop the use of their social security number in a manner otherwise prohibited.
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual.

- No fee shall be charged for implementing this request, and the District shall not deny services to an individual for making such a request.

### **Student Records Changes to Legal Name and Legal Sex**

If the District receives government-issued documentation, as described below, from a current or former student demonstrating that the student's legal name or legal sex has been changed, the District shall update the student's records accordingly. If requested by the student, the District shall reissue any documents conferred upon the student with the student's updated legal name or legal sex. Documents that shall be reissued by the District upon request at no charge include, but are not necessarily limited to, a transcript or a diploma conferred by the institution.

- State-issued driver's license or identification card;
- Birth certificate;
- Passport;
- Social security card;
- Court order indicating a name change or a change to legal sex, or both.

The District is not required to modify records that the former student has not requested for modification or reissuance.

The District cannot require a graduating student to provide legal documentation to demonstrate a legal name or gender change in order to have the student's affirmed name listed on the student's records.

### **Student Records Changes to Affirmed Name and Gender**

Ventura County Community College District systems shall be fully capable of allowing students to declare an affirmed name, gender, or both name and gender identification. No fee shall be charged for such changes to student records or their reissuance.

The records that shall be updated include, but are not limited to, all of the following:

- (1) School-issued email addresses.
- (2) Campus identification cards.
- (3) Class rosters.
- (4) Transcripts.
- (5) Diplomas, consistent with subdivision (e) of Section 66271.4, certificates of completion of courses, or similar records.