

# OLYMPIC COLLEGE POLICY

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**TITLE: FERPA (The Family Educational Rights and Privacy Act)**

**POLICY NUMBER: 300-07**

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Olympic College adopts this policy in compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, (FERPA), and its implementing regulation, 34 C.F.R. Part 99. Olympic College is required: to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right; to obtain written consent before releasing certain information; and to notify students of these rights.

## **Section 1. Confidentiality of Student Records**

The Family Educational Rights and Privacy Act (FERPA) gives students certain rights with respect to their education records, including the right to:

- 1.1.** Inspect and review the student's education records within 45 days of the date the College receives a request for access. Students should submit a written request to the Registrar identifying the record(s) they wish to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected.
- 1.2.** 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 or other rights. To request amendment, students should write the Registrar, clearly identify the part of the record they wish changed, and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to an appeal regarding the request for amendment and include additional information regarding the appeal procedures.
- 1.3.** Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to College officials with legitimate educational interests.
- 1.4.** Prevent release of directory information. Directory information released by the College includes: name, major field of study, full or part time status, participation in recognized sports and weight and height of athletic team members, dates of attendance, birth date, veteran status, degrees, awards and honors received, and dates degrees conferred. Olympic College may release this information at any time unless the College has received prior written notice from the student, filed in the Registration and Records Office, requesting that directory information not be released. All other information may be released only upon the written consent of the student, unless described in section (4), below or in compliance with a court order.

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- 1.5.** File a complaint with the U.S. Department of Education concerning alleged failures by Olympic College to comply with the requirements of FERPA.

Olympic College will notify currently enrolled students of their rights under FERPA by publishing notice in the student handbook, issuing the same notice once each year in the *Olympian*, the Continuing Education schedule, and the College Catalog. A complete copy of the policy may be obtained from the Vice President of Student Services, the College Registrar, or by visiting the web site of Olympic College at [www.olympic.edu](http://www.olympic.edu).

## **Section 2. Procedure for Students to Inspect Their Education Records**

To inspect or review an education record, a student must submit a written request to the Registrar. The student must sign the request, describe the specific records to be reviewed and set forth the name under which the student attended the College, the social security number or student identification number, and the student's last date of attendance. Proper picture identification must be presented before the documents may be reviewed.

The Registrar will make the needed arrangements for access as promptly as possible and advise the student when and where the records will be available for inspection. Access will be given as soon as practicable but no later than 45 days after receipt of the written request.

Student records will be maintained according to the retention policy set out by the Washington State Board for Community and Technical Colleges.

## **Section 3. Limits on Rights to Review, Inspect and Obtain Copies of Education Records**

- 3.1.** The College reserves the right to refuse to permit the inspection and review of:
- 3.1.1.** Financial statements of the student's parents;
  - 3.1.2.** Confidential letters and confidential statements of recommendation placed in the education record if the student has waived his or her right to inspect and review those letters and statements and the letters or which were placed in the file before January 1, 1975;
  - 3.1.3.** Records connected with an application to attend Olympic College if that application was denied;
  - 3.1.4.** When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her;
  - 3.1.5.** Exempt documents excluded from the FERPA definition of education records and not otherwise available for inspection under the Washington Public Records Act RCW 42.17;
  - 3.1.6.** The College reserves the right to deny copies of the transcripts or other records not required to be made available under FERPA, if the student has an overdue financial obligation to the College or there is an unresolved disciplinary action against the student.

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- 3.2.** If health reasons or extreme distance from the College prevents the student from inspecting the education record, then copies of the specific education record requested may be mailed to the student. The student must pay all copying expenses in advance of the release of the record. Official copies of the College's transcript for the student shall be provided at the fee listed in the current Catalog. All other copies shall be made at the appropriate cost as determined by College procedure. The student must sign and date the request, identify the records to be released or certified, provide the student's personal identification number with the request and submit payment to cover the cost of the records.

**Section 4. Disclosure of Education Records.** In addition to "directory information" the College may, at its discretion, make disclosures from education records of students to the following:

- 4.1.** College officials who have a legitimate education interest in the records, including College administrative and clerical staff, faculty and students officially elected or appointed to the associated student government of Olympic College or employed by the College, including contractors such as the National Student Loan Clearinghouse.
- 4.2.** Officials of another school where the student seeks or intends to enroll.
- 4.3.** Authorized federal, state or local officials as required by law, including the Comptroller General of the United States.
- 4.4.** In connection with the student's financial aid request or award when the information is necessary for certain purposes set forth in the regulations, including eligibility, the amount of aid, the conditions for aid or to enforce terms or conditions of the aid.
- 4.5.** To comply with a judicial order, lawfully issued subpoena, or IRS summons (The College must make a reasonable effort to notify the student in advance of compliance, unless the court has ordered non-disclosure.)
- 4.6.** To appropriate parties in a health or safety emergency.
- 4.7.** To the parents of a dependent student, claimed as dependent for income tax purposes, as defined in section 152 of Internal Revenue Code of 1986, as amended. The College is not required to disclose information to any parent of a dependent student, but may exercise its discretion to do so.
- 4.8.** To organizations or individuals conducting studies for or on behalf of an educational agency or institution if conducted in a manner that does not permit personal identification of the students.
- 4.9.** To the victim of an alleged crime of violence or a non-forcible sex offense.

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**4.10.** To the parent of a student under the age of 21 if the student has violated any federal, state or local law, College rule or policy, governing the use of alcohol or a controlled substance if the institution has determined that the student committed a disciplinary violation.

**4.11.** To military recruiters authorized to obtain specific information under the Solomon Amendment.

Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The College is not precluded from permitting third-party disclosure to parties other than those listed above.

**Section 5. Record of Request for Disclosure to Individuals Other than the Student or College Officials.** A record will be maintained of all requests for access to and disclosures of personally-identifiable information from the education records of each student except as stated below. The record will indicate the name of the party who has received personally identifiable information, the legitimate interest the party had in requesting or obtaining the information and the names and interests of additional parties to which the reviewing educational agency or institution may disclose or re-disclose the information.

A record of disclosure need not be maintained if the request of disclosures was from, or the disclosure was to: the student, a college, a party with written consent from the student, a party seeking directory information, or in circumstances involving certain grand jury subpoenas, and disclosures pursuant to court order under the USA Patriot ACT. The College will inform all third parties (anyone outside the College) to whom personal information from a student's education record is released that no further release of such information is authorized without written consent of the student.

## **Section 6. Directory Information**

The College designates the following items as "directory information":

- Name
- Major field of study
- Dates of attendance
- Full-time or part-time status
- Degrees, awards and honors received
- Dates degrees conferred
- Participation in recognized sports and weight and height of athletic team members
- Birth date
- Veteran status

The College may disclose directory information without prior consent, unless the student informs the Registration and Records Office in writing that directory information should not be released without their written approval. This request will prevent any release of information to a third party without a signed release from the student. In addition, the

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electronic record will be annotated preventing electronic release of information, with the words “no release” in the student database records. This certification does not preclude the verification of degrees awarded for graduation purposes.

## **Section 7. Requests for Correction of Education Records**

Students have the right to ask to have education records corrected if they believe such records are inaccurate, misleading, or in violation of their privacy or other student rights. This process does not apply to grade appeals.

The procedures for correcting records are as follows:

- 7.1.** The student may request an informal discussion with the Registrar.
- 7.2.** If the result of the informal discussion is not satisfactory to the student, and the student still wishes to have the record corrected, the student shall submit a written request to the Registrar for a change in the education record. This written request must state why the record is inaccurate, misleading, or violates the privacy or other student rights.
- 7.3.** A student whose request for correction of his or her education record has been denied may request a hearing by submitting a written request to the Registrar within ten (10) days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended.
- 7.4.** The Registrar shall then write a written statement explaining why the request for the change in the education record was denied. The Registrar or designee shall convene a hearing to include the student and the appropriate College official and shall notify the student of the hearing within thirty (30) days after receipt of a properly filed request and at least ten (10) days before the hearing.
- 7.5.** The hearing shall be a brief adjudicate proceeding as provided in RCW 34.05.482-494 and shall be conducted by the Registrar or designee.
- 7.6.** Following the hearing, the hearing officer will prepare a written decision within thirty (30) days after the conclusion of the hearing, based on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student.
- 7.7.** If the decision is that the challenged information is inaccurate, misleading, or otherwise in violation of the privacy or other student rights, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.
- 7.8.** If the decision is that the challenged information is not inaccurate, misleading, or in violation of the student’s right of privacy or other student rights, the hearing officer will inform the student of the right to place a statement in the record commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. This statement will be maintained as part of the education record as long as that record is maintained, and the statement will be disclosed whenever the Registrar discloses the portion of the record to which the statement relates.

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**Section 8. Waiver.** A student may waive any of his or her rights under this policy by submitting a written, signed and dated waiver to the Office of the Registrar. Such waiver must be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

**Section 9. Annual notification of rights.** Olympic College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the College catalog and student handbook.

**Section 10. Remedy for students protected by this act.** A student may file a written complaint with the United States Department of Education regarding an alleged violation of the Federal Educational Rights and Privacy Act. That address is:

Family Policy and Compliance Office  
U.S. Department of Education  
400 Maryland Avenue S.W.  
Washington, D.C. 20202

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## Glossary of Terms:

- **Student:** Any person who attends or has attended Olympic College and regarding whom the College maintains education records.
- **Parent:** Parent of an Olympic College student, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.
- **Third Parties:** Non-College persons or entities.
- **College:** A reference to Olympic College.
- **College Official:** A College official is a person employed by Olympic College in an administrative, supervisory, academic or research, or support staff position (including safety and security and health staff); a person or company with whom the College has contracted (such as an attorney, auditor or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee or assisting another school official in performing his or her tasks. A College official has a legitimate educational interest if he or she needs to review an education record in order to fulfill his or her professional responsibility.
- **Education Records:** Any record (electronic, in handwriting, print, tapes, film, photograph, microfiche or other medium) maintained by Olympic College, which is directly related to a student, except:
  1. A personal record kept by a staff member, if it is kept in the personal possession of the individual who made the record, and information contained in the record has not been revealed or made available to any other person except the maker's temporary substitute.
  2. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment and not used for any other purpose.
  3. Records maintained by the College's Counseling Center, a physician, psychiatrist, psychologist or other recognized profession or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity, if the records are directly related to the treatment of a student and made available only to those persons providing the treatment.
  4. Alumni records, which contain information about a student after he is or she is no longer in attendance at the College and the records do not relate to the person as a student.
  5. Law enforcement or campus security records that are maintained solely for law enforcement purposes.

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- **Types, Locations and Custodians of Education Records**
  1. Academic (transcript, transfer credit, class schedule, degree requirements, probation, petitions, contracts, etc.)
    - Location: Registration and Records Office
    - Custodian: Registrar
  2. Disciplinary
    - Location: Vice President of Student Services Office
    - Custodian: Vice President of Student Services
  3. Financial Aid
    - Location: Financial Aid Office
    - Custodian: Asst. Dean of Financial Aid
  4. Student Accounts
    - Location: Cashier's Office
    - Custodian: Finance Officer
  5. Student Payroll
    - Location: Human Resources
    - Custodian: Director, Human Resources
  6. Security Records
    - Location: Safety and Security
    - Custodian: Supervisor, Safety and Security
  7. Veteran Records
    - Location: Veteran Services
    - Custodian: Director of Veteran Services
  8. Occasional (e.g., correspondence not listed above)
    - Location: Registration and Records Office
    - Custodian: Registrar

*Recommended by*  
*Submitted to President's Cabinet for Review*  
*Approved by President*  
*Submitted to Board of Trustees*  
*Approved by Board of Trustees*  
*Published in Washington Administrative Code*

*Dr. Mitchell*

*X*  
*January 24, 2006*  
*February 28, 2006*

*Grammatical and Formatting Errors corrected by Thomas Oliver*

*June 29, 2007*