

# NOTICE OF RIGHT TO ACCESS AND PRIVACY OF RECORDS

## Policy 348

Glen Oaks Community College recognizes the importance of maintaining records for each individual student which present authentic evidence of the events and actions which both contribute to and confirm the student's educational progress and to facilitate the intelligent and purposeful direction necessary to the achievement of the educational goals of the student in a college setting.

The release and disclosure of student records maintained by Glen Oaks are in a large measure governed by state and federal laws. It is the purpose of these guidelines to provide reasonable interpretations of privacy. These guidelines are effective as of January 1, 1975, but are subject to change as federal guidelines are subsequently developed. The Family Educational Rights and Privacy Act of 1974 basically provides for the following:

1. To protect a student's rights to the privacy of information which Glen Oaks has in its possession concerning the student, and
2. To provide a reasonable guideline for the release or disclosure of such information as is required by federal and state law and as is necessary for the effective functioning of the college.

The following are matters of public record and may be included in publications or disclosed upon request without the consent of the student (this "directory" information can be located in the academic files): name of student, the student's local phone, e-mail, the student's local and/or permanent address, date and place of birth, whether or not a student is currently enrolled, dates of attendance, the most recent previous educational agency or institution attended by the student, class (freshman, sophomore), academic majors, information pertaining to honors, achievements, degree(s) and/or certificates earned from Glen Oaks Community College and dates, participation in officially recognized college activities and sports, weight and height of athletic team members. Inquiries by phone or in person for the items of public record listed will be honored. Blanket request or request requiring data in specific formats (mailing labels, for example) may be denied and/or a charge for the service may be levied. The student has the right to designate that any or all of the categories listed above be withheld from directory information.

All personally identifiable information not covered by the aforementioned is confidential and shall only be disclosed by Glen Oaks Community College as provided herein. Upon proper identification any Glen Oaks Community College student 18 years of age or older, past, or present, or any parent/guardian of a student under 18 years of age or the parents of a dependent student (as defined by Internal Revenue Code of 1954, Section 152) may examine the official records, files and data of the college directly relating to the student. (The parent/guardian of a non-dependent student 18 years or older does not have the right to examine the student's record without the student's consent as provided in the Family Educational Rights and Privacy Act of 1974 and its ensuing modifications.)

The procedure for access to Student Record Files will be handled through the Registrar and the Registration Office with verification of identity by the student.

Records can be shown to school officials for legitimate educational purposes. For the purposes of this policy, legitimate educational purposes are those which would facilitate the official in delivering service to the student.

The college will annually notify the student of certain of their rights with the College Catalog (available free of charge and on the College's website). If the student objects to the release of such information, he/she must notify the Registrar of his/her objection to directory information release within two weeks of the annual notification.

Records may be disclosed to college officials of a college in which the student seeks to enroll. The student/parent must be presented with a copy of the records if requested.

Records may be disclosed to certain federal and state officials acting within their functions in connection with financial aid requests, to testing agencies to administer and validate their tests and to accrediting institutions, in compliance with a court order, and in health and safety emergencies.

All confidential information shall be disclosed only on a need-to-know basis. That is, an official requesting information must have a legitimate need to have the requested information for the effective function of the position or office. Determinations as to whether the need-to-know requirement has been satisfied shall be made by the head administrator of the area retaining the information. Existing policies and procedures adequately cover these circumstances.

A request for copies of the record will be denied when the student/parent can effectively review the records without copies.

No student/parent will be required by the college to waive any rights but may be requested to do so.

Exemptions to the access of student record files and data are the following. Students may be denied access to notes and observations kept by counselors, staff, and faculty members for their personal use and not for the use of an outside agency or other persons or offices in the college, to psychologists' and psychiatrists' records, etc. which are kept confidential and employment records, so long as employment is not part of the student status. (If the records serve as client-professional practitioner relationship, the student shall have access only through the practitioner. Release or disclosure of these records shall be governed by state statute and codes of professional ethics.) Students may be denied access to disciplinary records which relate to the student as an individual or citizen. (A file on any incident may contain several names including both students and non-students. In Michigan such records are not accessible to the individual until a complaint has been signed and a warrant issued.) In addition to the above, students shall not have access to letters of recommendation or statements of evaluation obtained or prepared before January 1, 1975, pursuant to implied or expressed promises of the confidentiality or personally signed letters of recommendation to which students have waived their right to access.

A student may be allowed, but not required, to waive his or her right of access to letters of recommendation received after that date. Further, students do not have access to the Parent's Confidential Statement contained in their financial aid folder as this is deemed a record of the parent, not the student.

A student shall be entitled to an explanation of any information contained in official records, files, and data directly related to the student. The student/parent may request a change. If denied the change, the student/parent shall be notified of the right to a hearing to challenge the content of such records to ensure that the record is not inaccurate or misleading, or otherwise in violation of privacy or other rights of the student. (The substantive judgment of a faculty member about a student's work, expressed in grades assigned in a course and other evaluations of a student's work, is not within the scope of such hearings.) Hearings shall be limited to the factual accuracy of the record. The hearing official will be designated by the College President and shall have no direct interest in the outcome. Should the student/parent challenge any of the contents of the student's records on the grounds indicated.

#### **NOTICE OF RIGHT TO ACCESS AND PRIVACY OF RECORDS**

Parents and guardians of each student under 18 years of age and each student who is 18 years of age or older have certain rights respecting the records kept on the student by Glen Oaks Community College. Parents of dependent students over age 18 may also exercise these rights.

These rights include:

1. The right to examine the student's records.
2. The right to have the administration hear evidence that any part of the record is inaccurate, misleading or violates a student's privacy or other rights, to have the record changed if the administration agrees with the applicant's evidence and to insert an explanation in the record if the administration agrees.
3. The right to have records which personally refer to a student kept confidential except either by consent of the parent or students, or when being used by school personnel for school business. Certain official agencies may also request records.
4. The following information will be made available for publication in directories, sport programs, and so forth:
  - a. Name of student
  - b. Student's local address
  - c. Student's local phone, e-mail address
  - d. Student's permanent address
  - e. Date of birth, place of birth
  - f. Whether or not a student is currently enrolled
  - g. Class (freshman or sophomore)
  - h. Academic major
  - i. Information pertaining to honors achievements
  - j. Degree(s) and/or certificates earned from Glen Oaks and dates
  - k. Participation in officially recognized college activities and sports
  - l. Weight and height of athletic team members

5. If a parent or student does not wish this information to be available for publication, notice must be given to the Registrar
6. The right to obtain a copy of the Board of Trustees policy on privacy of student records from the Vice President of Academics or Vice President of Student Services.
7. The right to protest to

The Family Educational Rights and Privacy Act  
Office

Department of Health, Education and Welfare

300 Independence Avenue, SW

Washington, DC 20201

if the school district is not complying with the Family Rights and Privacy Act or the Department of HEW rules.

**Policy History:** Revised 1/12/77, 1/79, 9/14/05, 7/02, reviewed 9/17/14, revised 1/20, reviewed 3/9/23

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<sup>[1]</sup> *For the purposes of this section, student/parent refers to the independent student or the parent of a student under age 18 or over 18 who is still a dependent.*