



## STUDENT DATA PRACTICES (RCTC POLICY 2.14)

### Part 1. Family Educational Rights and Privacy Act.

Rochester Community and Technical College complies with the provisions of the Family Educational Rights and Privacy Act. Pursuant to this Act, students are entitled to review those records, files, documents, and other materials which contain information directly related to them and are maintained by the college. Students have the right to challenge information considered inaccurate or misleading. If the custodian of the record refuses a request for modification or removal of the information, the student may file an appeal through the Student Grievance Policy or place a written explanation of your challenge in the file. A list of college records and the responsible custodian is available from the RCTC Registrar.

### Part 2. Directory Information.

Directory Information is student data that is accessible to any member of the public for any reason. It includes the following:

- student name
- program of study
- enrollment status (enrolled full-time or part-time, graduated, withdrawn)
- dates of enrollment
- degrees, honors, and awards received
- student activities participation
- height, weight, and high school of athletic team members
- email address
- photographs
- hometown

The college may disclose directory information without prior written consent, unless students submit specific written requests to the Admissions and Records Office that this data be treated as private.

### TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS MAINTAINED BY THE INSTITUTION

#### Types \*Location (Custodian)

Admissions Records \*Admissions and Records Office (Registrar)

Academic Records \*Admissions and Records Office (Registrar); \*Athletic Department (Athletic Director);  
\*Student Support Services Program (Director)

Health Records \*Student Health Services Office (Health Nurse)

Financial Records \*Financial Aid Office (Financial Aid Director); \*Business Office (Business Office  
Supervisor)

Graduate Placement Records \*Counseling Office (Counselors); \*Communications/Marketing Office  
(Marketing Specialist)

Disciplinary Records \*Vice President of Student Affairs Office (VP of Student Affairs)

Disability Records \*Disability Office (Program Director)

### Part 3. Disclosure of Education Records

The college will disclose information from a student's education records only upon the express written consent of the student, with the exception of the following:

Records may be disclosed without consent to:

1) School officials who have a legitimate educational interest in the records.

**School officials** are those individuals employed by the college who act in the student's educational interest within the limitations of their need to know. This may include faculty, administrators, clerical and professional employees, and other persons who need student record information for the effective functioning of their office or position, including members of institutions having formal joint-program agreements with the college. Students serving on college committees or employed on campus may also be included where legitimate 'need to know' exists. A person or company employed by or under contract to the college to perform a special task, such as an attorney, auditor, collection agency, or degree/verification service may be considered a school official as appropriate to the proper performance of the specified task. Individuals identified as school officials do not have an inherent right to any and all education record information, but must demonstrate legitimate educational interest as opposed to a personal or private interest.

**Legitimate educational interest** must be supported by the institutional responsibilities assigned to an individual. The information or student data requested must be relevant and necessary to the accomplishment of some task or determination which is an employment responsibility for the inquirer. The information sought must be utilized within the context of official college business and not for purposes extraneous to the official's area of responsibility.

2) Certain officials of the US Department of Education, the Comptroller General, and State and local educational authorities, in connection with audit or evaluation of certain State or federally supported education programs or for enforcement of or compliance with Federal legal requirements which relate to those programs.

3) State and local officials to whom disclosure is specifically required by State Statute adopted prior to November 19, 1974.

4) Veterans Administration officials, as specified under Title 38, Section 1790(c), United States Code.

5) Authorized persons in connection with a student's request for or receipt of financial aid (to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid).

6) Organizations conducting certain studies for or on behalf of the college.

7) Accrediting organizations carrying out their accrediting functions.

8) Persons in compliance with a judicial order or a lawfully issued subpoena.

9) Officials of other institutions in which a student seeks or intends to enroll.

10) Authorized high school officials and/or counselors, limited to students participating in the Post Secondary Enrollment Options Program.

11) Appropriate parties in a health or safety emergency.

12) An alleged victim of any crime of violence (as that term is defined in 18 U.S.C. 16); limited to the results of any institutional disciplinary proceeding against the alleged perpetrator with respect to that crime.

Records will NOT be disclosed without written consent of the student to any other persons or parties, including parents of dependent students.

#### **Part 4. Record of Request for Disclosure**

The college will maintain a record of all requests for and/or disclosures of information from a student's education records, as specified in the Act. The record will indicate the name of the party making the request, any additional parties to whom it may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information. These records must be made available for inspection to the student, responsible institutional officials, state and federal auditors, and others, as prescribed by law.

#### **Part 5. Procedure for Inspection of Education Records**

Students and former students may inspect and review their education records by completing the appropriate form, or other written request containing the necessary information, and submitting it to the identified records custodian. The records custodian or other appropriate college staff person will make the necessary arrangements for access and will notify the student of the time and place where the records may be inspected. Access will be given within 45 days from the date of receipt of the request.

Rochester Community and Technical College reserves the right to refuse to permit a student to inspect the following records:

- the financial statement of the student's parents,
- records connected with an application to the college, or a component unit of the college, if that application was denied, and
- those records which are excluded from the FERPA definition of education records.

Rochester Community and Technical College reserves the right to deny copies of records, including transcripts, not required to be made available by FERPA, in any of the following situations:

- the student lives within commuting distance of the college.
- the records requested are transcripts of an original or source document which exists elsewhere,
- the student has a "hold" on his/her record, and/or
- there is an unresolved disciplinary action against the student.

The fee for copies will be \$3.00 per page.

## **Part 6. Procedure for Challenging the Contents of Education Records**

Students have the right to ask to have records reviewed and/or corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Requests to challenge and amend the contents of an education record must be submitted in written format to the Registrar, or other identified records custodian, and must clearly identify the part of the record in contention and the reasons the student believes it is inaccurate, misleading, or a violation of privacy rights. The college will review the request within a reasonable period of time and notify the student of the decision. If the decision is an approval of the request, the record(s) will be amended as indicated. In cases where the decision is to deny the request, students will be advised of their right to a hearing. Upon written request, the college will arrange for a hearing and notify the student, reasonable in advance, of the date, place, and time of the hearing. The hearing will be conducted by a hearing officer who is a disinterested party. The student will be afforded a full and fair opportunity to present evidence relevant to the issue raised, and may be assisted or represented by one or more persons of his/her choice, including an attorney, at the student's own expense. A written decision, which includes a summary of the evidence presented and the reasons for the decision, will be prepared by the college. Decisions in favor of the student will result in amendment in accordance with the student's request.

Should the institution decide not to amend the record, the student will be notified that he/she has the opportunity to place in the record a statement commenting on the challenged information and/or a statement setting forth reason for disagreeing with the decision. Such a statement will be maintained as part of the record for as long as the contested portion is maintained by the college and will be included any time the contested portion is disclosed.

## **Part 7. Records of Deceased Students**

Initially, upon a student's death, the education records will remain **private** documents and may be released only upon the written consent of the executor/executrix (personal representative) of the estate. If no personal representative has been appointed, or after discharge, rights to access education records may be exercised by the surviving spouse, any child of the decedent, or if there is no surviving spouse or children, the parents of the decedent. Documentation regarding the status of the requester will be required.

The education records of a decedent will become **public** after the data subject has been deceased for ten years *and* thirty years have elapsed since the creation of the data.

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