Policy on the Confidentiality and Disclosure of Information about Students

Cape Cod Community College, like other institutions of higher education, accumulates and maintains records concerning the academics and accomplishments of its students. General policy regarding the confidentiality of the information which becomes a part of the student's education records and governing the conditions of its disclosure has been formulated and adopted in relation to state and federal regulations and laws.

Cape Cod Community College is committed to protecting students from improper disclosure of education records in violation of the Family Educational Rights and Privacy Act of 1974 (FERPA). All faculty, administrators and staff must comply with this policy.

The College requires record-keeping offices to establish and maintain procedures and practices which reinforce the principles of confidentiality contained in the general policy.

General Guidelines for Release of Education Records about Students

Education records are those records, which directly relate to students and are maintained by the College, or a party acting for the College. These records can be recorded in any medium including electronic, print, handwriting, tapes, files, CD-ROM, microfilm and microfiche. There are some types of information, which are to be excluded from education records. (See section entitled Types of Information Excluded from Education Records in this policy.)

The following guidelines relative to education records represent Cape Cod Community College policy:

- All persons who handle education records of students shall be instructed concerning the confidential nature of such information and their professional and legal responsibilities regarding these records.
- Education records, which are not directory information, shall not be available to unauthorized persons without the written consent of the student involved.
- The College will comply with and abide by the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
- The Registrar is the official custodian of academic records at Cape Cod Community College and therefore is the only official who may issue an official transcript of academic record.
- Records shall be released to comply with a subpoena or court order under the FERPA guidelines and regulations.
- A record shall be maintained, kept with the permanent record card (PRC) or file folder of each student, of the release of any information contained in a student's files to individuals or agencies outside the College; including the name of the requesting individual or agency, date, and the purpose of the request. This record of access shall be available to the student, unless state or federal law prohibits disclosure.
- All College policies governing the maintenance and release of education records are public and are available to students, faculty, administrators and staff.

Supervision of Education Records

Overall administration of all education records which are maintained by Cape Cod Community College is the responsibility of the President of the College who acts in the name of the College. The President delegates to certain College Administrators immediate responsibility for administration of particular categories of student records. These administrators may in turn designate administration of records to others. The administrators and categories of their record administration are as follows:

- Registrar administers permanent records of academic performance, attendance, courses taken and official course grades and issues official transcripts of academic performance
- Associate Deans administer academic advising records.
- Director of Admissions office administer the records of candidates for admission
• Director of Student Financial Aid administers records for financial aid and scholarship aid
• Vice President of Academic and Student Affairs administers non-academic records including disciplinary records, career placement records and medical records
• Executive Vice President of Administration and Finance and Controller administers all student financial records and Human Resource records

Types of Information Excluded from Education Records
Specifically excluded from such education records are:
• Medical and mental health information that is collected, maintained, or used for purposes of providing assessment and/or treatment to the student.
• Records maintained by individual faculty and instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons, for their own use are not accessible to anyone and cannot be revealed to any other person except a temporary substitute for the maker of the record;
• Records created and maintained by the Office of Public Safety solely for law enforcement purposes. These records must be maintained separate from education records;
• Employment records of students who are also employees of the College. Records of students who are employed as result of their status as students are education records, e.g., work-study;
• Records which contain information on the counseling and development of students that may be maintained by Academic or Personal Counselors.

Third-Party Access to Education Records
Generally, College officials having a legitimate educational interest and who need access to official student education records to perform their normally assigned functions may review records. At Cape Cod Community College, these College officials include:

• a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including campus security personnel and health staff);
• a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent, temporary staffing agencies, and outsourced vendors);
• a person serving on the Board of Trustees; or
• a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks.

A College official has a legitimate educational interest if the official needs to review education records in order to fulfill their professional responsibility.

Other school officials include outsourced vendors who are helping the College provide students access to services relating to their education: e.g., AMS (Academic Management Services).

• Directory Information
The College may verify or release personally identifiable information about students which the College has designated "directory information" -- as defined by the Family Educational Rights and Privacy Act (FERPA) -- without student consent. Cape Cod Community College defines "directory information" to consist of the following information about a student:

• student name;
• town of residence;
• major field of study;
• enrollment status, e.g., full-time or part-time;
• participation in officially recognized activities and sports;
• dates of attendance and graduation, and degrees received; and
• honors and awards received, including selection to Dean's List or Phi Theta Kappa.

Students who do not want their information designated as directory information and thus made public must notify the Office of the Registrar and Student Records in writing. This notification by the student will apply to all categories listed above and to all requests for directory information from within and outside the College. This notification will remain in effect for one year. It is the student’s responsibility to notify the Office of the Registrar and Student Records in writing to retain the block to designation and disclosure.
The College may verify directory information for persons requesting this information. Prior to the verification of directory information, the College personnel should check through the College electronic student information system (Teams Elite for flagging) maintained by the Office of the Registrar and Student Records * (or else must contact the Office of the Registrar and Student Records) to ensure that the student has not requested that their directory information not be made public.

Public Relations, in connection with specific events such as commencements, Dean's List announcements, scholarship presentations, athletic contest, or other College-related new stories, may release to the news media or the public, directory information.

Requests for directory information, from within and outside the College, are to be directed to the Office of the Registrar and Student Records for processing. The College may find it necessary to charge for the processing of requests for directory information in order to recoup the costs associated with such processing.

- A student may authorize access to third parties to review their education record. Prior to such disclosure, the student must provide a written consent specifying the information to be released, the reasons for the release, and to whom the information is to be released.

- The College must release records in compliance with a court order or any other lawfully issued subpoena, but only after making reasonable efforts to notify the concerned student in writing at their last known address that their official records have been subpoenaed or their production required under court jurisdiction. The Office of the Registrar and Student Records maintains this time period to be seven (7) business days.

- The College may disclose academic information from education records, e.g., a record of academic dishonesty, without student consent to officials of another school in which the student has applied or seeks to enroll, upon the request of the other school. In these cases, the College will make a reasonable attempt to notify the student of such actions and will furnish the student a copy of the disclosed information, if the student so wishes.

- Parent(s) of a dependent student as defined in the Internal Revenue Code of 1954 may have access to the official student records. Prior to any such disclosure the parent or parents must provide documentation, e.g., copy of the most recent federal income tax return, that the eligible student (as defined above) is a dependent for income tax purposes. The documentation must be filed with the office from which the parent(s) is seeking information. This documentation is used only to determine the dependent status of the student and cannot be made part of their education record.

- A student education record may be disclosed without written consent of the student to persons or organizations providing the student financial aid, or who determine financial decisions concerning eligibility, amount, conditions, and enforcement or terms of the financial aid for which the student has applied.

- Access is granted to school officials, organizations conducting studies for educational agencies or organizations for research purposes provided that anonymity of the records is maintained and that personally identifiable data will be destroyed when no longer needed for the purpose for which it was collected.

- The College reserves the right to make known a student's financial records to parties’ external to the College for the purpose of collecting payment of moneys owed the College by the student. This also applies when the student is delinquent in their College account or when assisting agencies in collecting student loans. Financial information released under these circumstances will only be that information essential for the collection of moneys owed to the College.

- The College reserves the right to withhold release of information about a student including transcripts when that student is delinquent in their financial or other obligations to the College.

- Federal and state officials and their representatives may have access to student records in order to audit or regulate an education program supported by federal or state funds. The anonymity of the records must be maintained. All personally identifiable data will be destroyed when no longer needed for the purpose for which it is collected.

- Accrediting organizations for purposes of accreditation of the College may have access to student education records provided that anonymity of the records is maintained and that personally identifiable data will be destroyed when no longer needed for the purpose for which it is collected.
In an emergency, information may be disclosed to protect the health or safety of the student or another person. Education record information shall only be transferred to third parties as described above on the condition that such parties are informed that they are not permitted to disclose the information to others without the written consent of the concerned student.

Records of Requests for Disclosure

The College will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request and date. This "record of access" is part of the student's education record and is subject to the provisions of this policy. The College may find it necessary to charge for the processing of the requests for and/or disclosure of information from a student's education record in order to recoup the costs associated with such processing. The College is not obligated to maintain records of requests and disclosures for:

- Requests and access by College personnel with a legitimate educational interest in the record;
- Requests by students for their own use;
- Disclosures made in response to written requests from students;
- Requests for directory information

Inspection and Review by Students of Their Education Records

A student is defined as any person whom the College maintains education records but does not include a person who has applied for admission and has never attended the College.

Each student has the right to inspect their own official student education records personally, subject only to reasonable restrictions as to time, place, and supervision. A student wishing to review their record must submit a request in writing to the person in charge of the records. The request will be granted as soon as it can be arranged, but no later than 45 days from the date of the receipt of the request. At the time of inspection, the student must present identification and must inspect their records in the presence of a designated College official.

The student has the right to review and inspect all documents in their file except:

- Financial information submitted by their parents
- Confidential letters and recommendations associated with admissions, honors, employment or job placement to which they have waived their rights of inspection and review or which were placed in the file before January, 1975
- Educational records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student
- Records connected with an application to attend Cape Cod Community College if that application was denied

If, after inspecting and reviewing their records, the student has any questions about them, they may request an oral or written explanation and interpretation of them.

If, after inspecting and reviewing the records, the student believes that any information contained in them is inaccurate or misleading or violates their privacy or other rights, the student may request in writing that the office which contains those records amend them. That office must reach a decision and inform the student of this decision in writing within a reasonable period of time after receipt of the request. If the office refuses to amend the record in accordance with the student's request, the student has the right to a hearing.

This hearing will be conducted by a person or persons appointed by the Vice President of Academic Affairs, who do not have a direct interest in the outcome of the hearing. The hearing will be held within a reasonable period of time after the request has been made, and the student will be given notice of the date, place, and time, reasonably in advance of the hearing.

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 individuals of their own choice at their own expense, including an attorney. If an attorney represents the student, College counsel may also be present, or assist or represent the College.
The hearing officer/panel will make its decision in writing within a reasonable time period after the conclusion of the hearing. That decision will be based solely upon the evidence presented at the hearing and will consist of a written statement given to all parties concerned, summarizing the evidence and stating the reasons for the decision.

If, as a result of the hearing, the hearing officer/panel supports the complaint of the student, the education records of the student will be amended accordingly and the student will be so informed.

If the hearing officer/panel decides against the student, the student has the right to place in their record a statement commenting on the information in the record and/or stating the reasons for disagreeing with the decision. The College will maintain this explanation as part of the education record of the student as long as those records are maintained, and whenever a copy of those records is sent to any party, the explanation will accompany them.

Decisions of hearing officer/panels may be appealed to the President of the College by the student.

The student may request copies of their records at their own expense. However, no copies will be released if the student has any outstanding financial or other obligations to the College.

Parents of a student under the age of 18 have the same rights as eligible students in matters regarding the inspection and review of education records and the right to challenge information contained in these records.

**Inactivity of Student Education Records**

After five years since the student has graduated or was last registered at the College, the College will maintain the following official student education records:

- Permanent records of academic performance, including supporting documents maintained by the Office of the Registrar and Student Records
- Such financial records as are necessary so long as there exists a financial obligation to the College
- Other records as required by state and federal law

All other student records may be destroyed. All retained official student education records as described above continue to be subject to the provisions of this policy.

**Availability of this Policy and Related Documents**

The College reserves the right to change the information, requirements and procedures announced in this policy. This policy will continue to be in effect until a further revision is required and promulgated. Copies of this policy, the Family Educational Rights and Privacy Act (FERPA), of the Annual Notification of Rights under FERPA, Release of Records to the Department of Defense (Omnibus Consolidated Appropriations Act of 1997), and the Directory Information-Public Notice are available in the Office of the Registrar and Student Records. Copies of the Annual Notification of Rights under FERPA, are available at Advising and Counseling Services, Cape Cod Community College Hyannis Campus, the College web site and posted annually in the college newspaper, the MainSheet.

Questions regarding this policy can be directed to the Office of the Registrar and Student Records.

*The College is scheduled for live conversion in the Spring of 2003. The Teams Elite flagging within the student system will not be available until that date of conversion and the student system is running live.*