

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

TYPES OF RECORDS AND LOCATIONS

The Office of Enrollment Services will maintain documents completed by the student, such as applications, petitions, and Advanced Placement and CLEP scores, for the period of time required by law. These records, as well as a permanent record of all academic work completed at the college, are maintained by the Dean of Enrollment Services. Students may request two free transcripts of their College of Marin permanent academic record. See Official Transcripts heading on this page for details.

Copies of transcripts from other colleges are kept in the Enrollment Services. Copies must be requested from the issuing institution and cannot be released from College of Marin.

Student Privacy Rights Related to Academic Records

The privacy of student records and exceptions under which the college may authorize access to student records are set forth in AP 5040 . Additional information regarding student rights in regard to student records is available from the [U.S. Department of Education, Family Policy Compliance office](http://www2.ed.gov/policy/gen/guid/fpco/index.html) (<http://www2.ed.gov/policy/gen/guid/fpco/index.html>). A student may file a written complaint with the Family Policy Compliance Office regarding an alleged violation under the Federal Educational Rights and Privacy Act (FERPA). The complaint must be timely (submitted to the office within 180 days of the date that the complainant knew or reasonably knew of the violation) and state clearly and succinctly specific allegations of fact giving reasonable cause to believe that the school has violated FERPA.

Review, Inspection, and Challenge of Records

Any currently enrolled or former student has the right of access to all of the student's College of Marin academic records. Students wishing to inspect their records may obtain forms from staff in the Office of Enrollment Services; access shall be granted no later than 45 days following receipt of the written request to the Dean of Enrollment Services at College of Marin, 835 College Ave., Kentfield, CA 94904. The Dean of Enrollment Services will make arrangements for access and notify the student of the time and place where records may be inspected. Qualified personnel will assist the students in interpreting their records, if necessary. If the records are not maintained by the Dean of Enrollment Services, the student will be advised of the correct office to which the student's request should be addressed.

The Dean of Enrollment Services will provide forms for any student who wishes to challenge the content of the student's records, excluding grades, if the student believes the information to be (1) inaccurate, (2) misleading, (3) an unverifiable personal conclusion or inference outside of the observer's area of competence, or (4) not based on the personal observation of a named person with the time and place of the observation noted. The student should clearly identify the part of the record the student wants changed and specify why it is inaccurate or misleading. If the student is not satisfied with the results of the challenge procedure, a written request for a formal hearing may be filed with the College Superintendent/President, or designee.

Within 30 days of receipt of such a request, the College Superintendent/President, or designee, shall meet with the student and employee who recorded the information in question, if any, and if such employee is presently employed by the college. The Superintendent/President, or designee, shall then sustain or deny the allegations in writing. If the President, or designee, denies any or all of the allegations and refuses to order the correction or

removal of the information, the student will be notified that the student may, within 30 days of the refusal, appeal the decision in writing to the College of Marin Board of Trustees. Within 30 days of receipt of such an appeal, the College of Marin Board of Trustees shall, in closed session with the student and the employee (if presently employed by the college), determine whether to sustain or deny the allegations. If the Board of Trustees sustains the allegations, it shall order the President, or designee, to immediately correct or remove and destroy the information. Additional information regarding the hearing procedure will be provided to the student when notified of the right for hearing.

Directory Information

Directory information includes: the student's name, level of education, academic majors, enrollment status by term (enrolled/not enrolled), student participation in officially recognized activities and sports including weight, height, and high school of graduation of athletic team members, degrees and awards received by students, including honors, scholarship awards, athletic awards, and Dean's List recognition. Currently enrolled students may request that directory information be permanently kept confidential by filing a Request to Withhold Directory Information with the Office of Enrollment Services.

Access to Student Records

Access will be permitted to student records pursuant to the written request of the student or in accordance with a legal subpoena or a judicial order. Others entitled to access without notification of the student include:

1. Officials and employees of College of Marin may inspect records if they have a legitimate educational interest. A school official is a person employed by the college in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel 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, such as a disciplinary or grievance committee, or assisting other school officials in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility. All requests for such access must be approved by the Dean of Enrollment Services.
2. Authorized representatives of the Controller General of the United States, the Department of Health, Education and Welfare, or the United States Office of Civil Rights; the administrative head of an education agency; and state education officials or their respective designees may have access to information necessary to audit or evaluate a state or federally supported education program, or pursuant to a federal or state law. When personally identifiable information is collected, it shall be protected in a manner that will not permit the personal identification of students or their parents by other than those authorized officials. Such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal legal requirements.
3. In response to an ex parte order College of Marin will release to the Attorney General (or his/her designee) the educational records requested that are relevant to an authorized investigation or prosecution of an offense as listed in Section 23326 (g) (5) (B) of Title 18 United States Code or an act of domestic or international terrorism as defined in Section 2331 of that title.
4. Other state and local officials or authorities may inspect records in accordance with requirements of state law adopted prior to November 19, 1974.

College of Marin may release information without student consent to the following:

1. Officials of other public or private schools or school systems with legitimate educational interests, including local county or state correctional facilities where educational programs are conducted and/or where the

- student seeks or intends to enroll or is directed to enroll, subject to the rights of students as provided in Section 54610 of Title 5 regulations on Student Records (Chapter 6, Division 5).
2. Agencies or organizations at which a student has applied for or received financial aid, provided that personally identifiable information is released only as necessary to determine the student's eligibility for aid, to decide on any conditions to be imposed, or to enforce those terms or conditions.
 3. Accrediting organizations carrying out their functions.
 4. Organizations conducting studies for educational agencies or institutions for the purpose of developing, validating or administering predictive tests and/or student aid programs, and improving instruction, provided that such studies are conducted in a manner that will not permit the personal identification of students or their parents by anyone except representatives of the organization and that any personally identifiable information be destroyed when no longer needed for the study.
 5. Appropriate persons in connection with an emergency, if such information is deemed necessary to protect the health or safety of the student or other person, or subject to such regulations as may be issued by the Secretary of Health, Education and Welfare. No one given access to student records in such an emergency may share information obtained with anyone (except other persons involved and having a legitimate interest in the information) without written consent of the student.
 6. All alleged victims of sexual assault on District property shall be kept informed, through the Title IX Coordinator (Executive Director of Human Resources) or the District Police of the status of any student or employee disciplinary proceedings or appeal; alleged victims of sexual assault are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality. (See AP 3435 and AP 3540.)
 7. The Internal Revenue Service in accordance with provisions of federal law.

Record of Access

A log is maintained in the Office of Enrollment Services, as specified in Section 76222, California Education Code, for each student's record which lists authorized persons, agencies or organizations requesting or receiving information from a student's record without a judicial order, or a legal subpoena, or the student's consent.