

**BROOKDALE COMMUNITY COLLEGE  
COLLEGE REGULATION**

**6.1504R****I. Title of Regulation**

Release of Academic and Demographic Data About Students

**II. Objective of Regulation**

To maintain a comprehensive process that will protect the confidentiality of students' educational records.

**III. Authority**

Family Educational Rights and Privacy Act of 1974

**IV. Regulation Statement****A. Definitions**

1. Educational Records are those records, files and documents maintained by the College that include information directly related to a student. Educational records do not include:
  - a. Records kept by individual faculty or staff members for their own use which are in their sole possession and are not accessible or revealed to anyone else other than a substitute.
  - b. Records kept by the College Police Force provided:
    - (i) The Police Officers do not have access to other student records kept by the College.
    - (ii) The records kept by the Police are kept separate from other student records.
    - (iii) The records are maintained solely for law enforcement purposes.
    - (iv) The records are not made available to persons other than College Police personnel and local law enforcement officers.
  - c. Records of physicians, psychiatrists, psychologists, or other recognized professional or paraprofessional personnel which are maintained in connection with the treatment or counseling of the student provided such records are not available to anyone other than the person providing treatment. Although the student does not have the right to access to these records, he does have the

right to select a physician or other appropriate professional to review these records.

2. "Student" includes any person with respect to whom the College maintains educational records and who is attending or has attended the institution.
  3. "Release" refers to written consent by the student specifying records to be released.
  4. "Directory Information" includes the following:
    - a. Student's name, address, telephone listing, major field of study, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, most recent previous educational institution attended.
    - b. Students will be informed of the categories of information which the College designates as directory information. A student may, within seven days of the first day of instruction, ask that such information pertaining to him not be released without his consent.
- B. Students' Access to their Educational Records
1. Students will be informed of their rights concerning access to their educational records annually.
  2. Students have the right to inspect and review their educational records except for:
    - a. Financial records of their parents.
    - b. Confidential letters or statements placed within the file prior to January 1, 1975.
    - c. Material which includes information on other students, but the student may review or be informed of the specific information that pertains to him.
  3. Students gain access to their educational records by submitting a "Request to Review Educational Records" form to the Director of Admissions and Records. The following steps then take place:
    - a. If requested, copies of the specific educational records requested will be produced for a minimum fee of \$1.00 and given to the student.
    - b. If the student wishes to inspect the actual document, permission will be granted unless the document includes information on

another person(s). In such cases, the College will provide an excerpt or summarization of the information. In all instances, the Director of Admissions and Records or his designee will be present for the student's inspection of the original documents. If, after examining the records the student is satisfied as to the content and accuracy of his records, he will indicate his satisfaction on the appropriate form. If he is not satisfied with the contents and accuracy he may request a hearing.

- c. Upon submission of the "Request to Review Educational Records" an attempt will be made to meet the request in less than seven days. In no case, however, is the request to go unfulfilled in excess of forty-five days from receipt of the form.

#### C. Challenges to the Contents of Records

1. A student has a right to a hearing to challenge records which are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A student has a right to a hearing to challenge factual statements in his record or when he demands to supplement the record when the factual statement, although there, is incomplete and, therefore, misleading. A student does not have a right to a hearing on matters of academic judgment.
2. An attempt will be made to settle a dispute regarding records content through informal meetings and discussions with the student within the particular office or department where records are kept. If such informal means do not satisfy the student, he may request a hearing.
3. The hearing will be conducted by the Dean of Student Development and will meet the following requirements:
  - a. The hearing will be conducted and decided within a reasonable period of time, but in no case more than forty-five days, following the request for a hearing.
  - b. The student will be afforded a full and fair opportunity to present relevant evidence.
  - c. The decision will be rendered in writing within a reasonable time after the conclusion of the hearing.

#### D. Release of Personally Identifiable Information

A student's educational records or personally identifiable information in the records will not be released to any individual, agency, or organization unless a student signs and dates a written consent specifying the records to be released and the person to whom the records are released.

1. Exceptions to this statement are as follows:

- a. In compliance with a judicial order or pursuant to a lawfully issued subpoena provided the student is notified that the information will be released prior to releasing the information. (Ordinarily, subpoenas give the College very little time to comply. A good faith effort should be made to contact the student and/or postpone the compliance date for the subpoena.)
  - b. The information is directory information.
  - c. Information is released to the following individuals or agencies and for the following purposes:
    - (i) College personnel with a legitimate educational interest.
    - (ii) Officials of other schools in which the student seeks to enroll provided the student is notified of the release.
    - (iii) Federal and State officials in connection with the audit and evaluation of federally funded programs or in connection with the enforcement of federal legal requirements which relate to such programs or in connection with the student's application for or receipt of financial aid.
    - (iv) State and local officials pursuant to any State Statute adopted prior to November 19, 1974.
    - (v) Organizations conducting studies for the purpose of developing predictive tests, administering student aid programs and improving instruction; if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purposes which it was conducted.
    - (vi) Accrediting organizations in order to carry out their accrediting functions.
    - (vii) Parents of a dependent student of such parents, as defined in Section 152 of the Internal Revenue Code of 1954.
    - (viii) When necessary in an emergency to protect the health, safety or welfare of the student or others, to persons who are in a position to deal with the emergency.
2. The educational record for each student will include a record of any individuals or organizations, other than College personnel, who have requested or obtained access to the student's records and the legitimate educational interest the individual or organization has in obtaining the

information. The record of access may be released only to College Personnel or State or Federal officials as a means of auditing the system of reporting access to student records.

3. Information may be transferred to a third party only on condition that it will not be further disseminated without the consent of the student.

E. Student's Rights to Waiver

A student or a person applying for admission may waive his right of access to confidential statements which were placed in the education records except that such waiver will apply to recommendations only if (1) the student is, upon request, notified of the names of all persons making a recommendation, and (2) such recommendations are used solely for the purpose which they were specifically intended.

Such waivers may not be required as a condition for admission, receipt of financial aid from, or receipt of any other services or benefits from the College.

Such waivers will be in writing and signed by the student or person applying for admission.

V. **Responsibility for Implementation**

Vice President for Educational Services

Approved: President  
12/15/71  
Effective: 12/15/71  
Revised: 3/9/76