

STUDENT RIGHTS PRIVACY/CONFIDENTIALITY & ACCESS OF INFORMATION POLICY

INTRODUCTION

This policy provides the legal requirements on privacy of and access to information for ICC. The provisions of these laws as applicable to the college are the minimum requirements for developing College policies and procedures, and for dealing with the right of public access to information and the right of privacy of individuals.

F.E.R.P.A. (Family Education Rights & Privacy Act)

The Department of Health, Education, and Welfare issued, in the June 17, 1976 Federal Register, the final regulations for implementing the Family Education Rights and Privacy Act of 1974 (P.L. 93-380, 513), as amended (P.L. 93-568, 2). The effective date of the Act as November 19, 1974. The amendment is popularly known as the “Buckley Amendment.” The June 17, 1976 final regulations contain all regulatory provisions pertaining to the Family Educational Rights and Privacy Act and supersede the earlier publications of regulations, providing the public with a single document.

DEFINITIONS

For the purposes of this policy, ICC has used the following definitions of terms.

Student – any person who attends or has attended ICC

Eligible Student – Refers to a student who has reached the age of 18 or is attending an institution of postsecondary education. Since these guidelines are specifically for postsecondary institutions, “student” as used in this document is presumed always to refer to an eligible student. In non-postsecondary institutions, parents of students have additional rights not covered in this guide.

Education records – any record (in handwriting, print, tapes, film, or other medium) maintained by ICC or an agent of the College, which is directly related to a student except:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual’s employment.
3. Records maintained by ICC’s Personnel Office if the record is maintained solely for law enforcement purposes, and revealed only to law enforcement agencies of the same jurisdiction.
4. Alumni records which contain information about a student after he or she is no longer in attendance at the College and which do not relate to the person as a student.

ANNUAL NOTIFICATION

Students will be notified of their FERPA rights annually by publication in the semester timetable. Information is also available in the catalog and college policy.

PROCEDURE TO INSPECT EDUCATION RECORDS

Students may inspect and review their education records upon written request to the appropriate record clerk. Students should submit to the record clerk or an appropriate College staff person a written request, which identifies as precisely as possible the record or records he or she wishes to inspect.

The record clerk or an appropriate College staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 45 days or less from the receipt of the request. When a record contains information about more than one student, the student may inspect and review only the records that relate to himself/herself.

The student has a right to inspect the record in question but the College does not routinely make copies of educational records. Requests for copies will be considered on an individual basis as well as any associated costs.

RIGHT OF COLLEGE TO REFUSE ACCESS

ICC reserves the right to refuse to permit a student to inspect the following records:

1. The financial statement of the student's parents.
2. Letters and statements of recommendation for which the student has waived his or her right of access.
3. Records connected with an application to attend ICC if that application was denied.
4. Those records which are excluded from the FERPA definition of education records.

DISCLOSURE OF EDUCATION RECORDS

ICC will disclose information from a student's education records only with the written consent of the student, except:

1. To school officials who have a legitimate educational interest in the records. A school official is:
 - a. A person employed by ICC in an administrative, supervisory, academic, research, support staff position, or a student assisting an employee of the College.
 - b. A person employed by or under contract to the College to perform a special task, such as the attorney or auditor.
 - c. A school official has a legitimate educational interest if the official is:
 - i. Performing a task that is specified in his or her position description or by a contract agreement.
 - ii. Performing a task related to a student's education.
 - iii. Performing a task related to the discipline of a student.
 - iv. Conducting research that benefits students and/or the College. (Note: A college or College is required to specify the criteria for school officials and for legitimate educational interests.)
2. To certain officials of the U. S. Department of Education, the Comptroller General, and Tribal educational authorities, in connection with certain federally supported education programs.
3. To organizations conducting certain studies for or on behalf of the College.

4. To accrediting organizations to carry out their functions.
5. To comply with a judicial order or a lawfully issued subpoena.
6. To appropriate parties in a health or safety emergency.
7. To an alleged victim of any crime of violence the results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.

RECORD OF REQUESTS FOR DISCLOSURE

According to FERPA, an institution must maintain a record of each request, with the exceptions listed below, for access to, and each disclosure of, personally identifiable information from education records.

The record of each request for access and each disclosure must contain the name of the parties who have requested or received information and the legitimate interest the parties had in requesting or obtaining the information.

A record does not have to be kept if the request was made by or disclosure was made to 1) the eligible student, 2) a school official who has been determined to have a legitimate educational interest, 3) a party with written consent from the eligible student, 4) a party seeking directory information only, or 5) a student serving on an official committee or assisting another school official.

Thus, requests for or disclosures of education record information without the student's written consent, which an institution would be required to record, would include but not be limited to 1) disclosure to the parent (either custodial or noncustodial) of an eligible student, 2) disclosure in response to a lawfully issued court order or subpoena, 3) disclosure for external research purposes where individual students have been identified, or 4) disclosure in response to an emergency.

These records must be maintained with the education records of the student as long as the records are maintained by the institution.

DIRECTORY INFORMATION

ICC designated the following categories of student information as public or "Directory Information." Such information may be disclosed by the institution for any purpose, at its discretion.

As defined by the Family Education and Privacy Act as amended June 19, 1975, directory information consists of the following:

The name of the student, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and athletics, weight and height of athletic teams, dates of attendance, degrees, and awards received and the most recent educational agency or institution attended by the student.

Currently enrolled students may withhold disclosure of information under the Family Educational Rights and Privacy Act of 1974. To withhold disclosure, written notification must be

received in the Records and Registration Office, prior to the end of the second week of each semester or the end of the first week of summer session. Forms requesting withholding of “Directory Information” are available in the Records and Registration Office. The College assumes that failure on the part of any student to make a specific request for the withholding of categories of “Directory Information,” within the time period mentioned above, indicates individual approval for disclosure. In addition to the items listed above, ICC has designated photographs and images that are taken of students at College-sponsored activities as information that may appear in College publications, brochures, etc. without the written consent of students.

CORRECTION OF EDUCATION RECORDS

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

- A student must ask the clerk of the record in question to amend a record. In so doing, the student should identify the part of the record he/she wants changed and specify why he/she believes it is inaccurate, misleading or in violation of his/her privacy or other rights.
- ICC may comply with the request or it may decide not to comply. If it decides not to comply, ICC will notify the student of the decision and advise him/her of his/her rights to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student’s rights.
- Upon request, ICC will arrange for a hearing and notify the student, reasonably in advance, of the date, place, and time of the hearing.
- The hearing will be conducted by a impartial hearing body or officer who will be members of the College community. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student’s education records. The student may be assisted by one or more individuals, including an attorney.
- ICC will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
- If ICC decides that the challenged information is not inaccurate, misleading, or in violation of the student’s right of privacy, it will notify the student that he/she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
- The statement will be maintained as part of the student’s education records as long as the contested portion is maintained. If ICC discloses the contested portion of the record, it must also disclose the statement.
- If ICC decides that the information is inaccurate, misleading, or in violation of the student’s right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

Date Adopted: 1/26/12

Date Last Revised or Reviewed:

Legal Ref: Federal Family Educational Rights and Privacy Act of 1974, dated July 17, 1976 (20 U.S.C. Section 1232g); Federal Privacy Act of 1974 - Public Law 93-579 (5 U.S.C. 552a)

**INFORMATION RELEASE FORM-READ CAREFULLY-FOR
INSTRUCTIONAL USE ONLY**

In accordance with the Family Educational Rights and Privacy Act of 1974 (as amended December 13, 1974), the information in your files may be furnished to governmental agencies without written or verbal consent of the student and may be used by this College for legitimate educational purposes. The student has the right to inspect his/her personal permanent record and to challenge the contents of the record after satisfactorily identifying himself/herself to the unit custodian with the Registrar's Office. The Registrar must collect the Release of Information Form from each student at least once per academic year, and this form is part of the student's permanent record. Unless otherwise restricted, the information in your files will be released to anyone, including emergency messengers, family, relatives, next of kin, employers, etc.

PLEASE CHECK ONE

No, I do not grant permission for the Registrar's Office to release any information to a person(s) requesting without my written consent.

Yes, I hereby grant permission for the Registrar's Office to release any information to person(s) requesting without my written consent.

Student Signature

Print Name

Date