

**COLLEGE OF THE SISKIYOU**

**Procedure Manual**

**Title:** Student Records and the Privacy Laws

**Revision Date:** 9/8/98

**Responsible Area:** Student Services

**Responsible Office:** Admissions and Records

**Policy Reference:** Board Policy 3.7  
Federal Family Education Rights & Privacy Act,  
Education Code 76240-46

The Federal Family Education Rights and Privacy Act prohibits the release of any information about a student without the student's prior written consent. The only exception to this law are subpoenas and the release of certain general information called Directory Information.

The following information is considered "Directory Information" and may be released to individuals and/or organizations ONLY if the student specifies on the Enrollment Application or in writing that such information may be released:

- Student Name
- Address
- Telephone number
- Class schedule
- Participation in officially recognized activities and sports

**PROCEDURE** – This procedure applies to present and former students.

- I. STUDENT REQUESTING INFORMATION ABOUT HIM/HERSELF**
  - A. DIRECTORY INFORMATION WILL ONLY be released if the student has approved release of directory information. Ensure the student has responded "YES" to the directory information question. This can be verified by either option 28 or 46 in the registration system. Questions should be referred to the Admissions & Records Office.
  - B. To release any information beyond Directory Information or to release Directory Information to a student who responded "NO" to Directory release requires some type of appropriate I.D. (California I.D. card, California Drivers License, COS I.D. card). With proper I.D. you may release the information only to the STUDENT. Without the proper identification, the student should be informed that COS policy will not allow the release. The information identification policy is intended to protect each student.

**II. ANYONE REQUESTING INFORMATION ABOUT ANOTHER STUDENT** – Individuals or organizations not covered below.

**A. DIRECTORY INFORMATION**

DIRECTORY INFORMATION WILL BE RELEASED ONLY if the student has approved the release of directory information. The student must have responded “YES” to the directory information question. This can be verified by either option 28 or 46 in the registration system. Questions should be referred to the Admissions & Records Office. ALL written requests for student information MUST be handled by the Admissions & Records Office.

If the student has NOT approved the release of directory information no information may be released.

**B. OTHER THAN DIRECTORY INFORMATION**

ALL requests for student information other than Directory Information MUST be processed by the Admissions & Records Office. The information released MUST be entered into the log file as defined in section VIII.

**III. TRANSCRIPTS**

All academic transcripts MUST be processed by the Admissions & Records Office. All Financial Aid Transcripts MUST be processed by the Financial Aid Office.

A written request, SIGNED by the student, must be on file prior to releasing any transcripts.

Transcripts may not be released for any student having a “HOLD” on their records.

Transcripts may be released per sections IV, VI, and VII.

**IV. INSTRUCTOR/COLLEGE EMPLOYEE REQUESTING INFORMATION**

The College staff member must demonstrate a need to know, and the information can only be released if the individual has a legitimate educational interest to inspect a record.

1. The instructor/college employee, must identify him/herself.
2. The instructor/college employee must explain how the information requested will be used.
3. No phone requests will be honored.

**V. IN CASE OF A PROVEN EMERGENCY**

In an emergency, have the individual speak with the Admissions & Records Office or an administrator WHO THEN MUST:

1. Ascertain if a health or safety emergency actually exists;
2. Determine if the information is needed to meet the emergency;
3. Determine if the party requesting the information is in a position to deal with the emergency;
4. Determine the extent to which time is of the essence.

If an emergency, give the requesting individual the necessary information or have a College employee contact the student. The information MUST be entered into the log file as defined in section VIII.

**VI. JUDICIAL ORDERS** – The information released MUST be entered into the log file as defined in Section VIII.

- A. Subpoena – All subpoenas are to be processed by the Admissions & Records Office and MUST meet the following conditions:
1. Lawfully issued California subpoena OR California court order OR a subpoena with a signed release from the student.
  2. The date for producing the records must be at least 15 days from the date the subpoena was issued. (Reference: The Legal Update)
  3. The subpoena is accompanied by one of the following:
    - a. A copy of the document “Certificate of Compliance” or “Notice to Consumer” or equivalent document must be attached to the subpoena. The documents must show that at least 10 days prior to the date for production of the records by the District (15 days if service by mail), the student’s attorney, the student, if an adult, or the student’s parents or guardian were served with a copy of the subpoena.

**(OR)**

- b. A written authorization to release the records signed by the student.
- B. Search Warrant – All search warrants must be handled by the V.P. Student Services/Research or designee. The following conditions must be met prior to execution of the warrant:
1. The search warrant must be presented within ten (10) days of the date it was issued.
  2. The person serving the search warrant must offer an affidavit of service. He/she must show identification and must be 18 years of age or over.

3. The property to be searched must be described in the warrant.
4. Copies of the materials must be provided. If the originals are demanded, we must comply and make copies to be retained in our files that are certified by the V.P. Student Services/Research.
5. Get a receipt for all materials released.

**VII. FEDERAL/STATE AGENCIES REQUESTING INFORMATION ABOUT STUDENTS**-The information released **MUST** be entered into the log file as defined in section VIII.

- A. In all the following cases, the Admissions & Records and/or Financial Aid Office **MUST** handle the requests (Note: written permission is **NOT** required):
1. Schools in which student seeks enrollment or is concurrently enrolled.
  2. Comptroller General of U.S., Secretary of Education, State Education Authorities, etc., as needed for audit purposes.
  3. Financial Aid – Federal/State agencies requesting information about students:
    - a. Comptroller General of the U.S.
    - b. Inspector General’s Office
    - c. Director of National Institute of Education
    - d. Secretary or Assistant Secretary of Education
    - e. Department of Education, Regional Office
    - f. General Accounting Office
    - g. U.S. Department of Immigration and Naturalization
    - h. Social Security
    - i. Federal Bureau of Investigation
    - j. Veteran’s Administration
    - k. California Department of Social Services (AFDC, food stamps)
    - l. California Department of Employment Development
    - m. Accrediting organizations

If requests for Financial Aid information are received from the agencies mentioned above, the following conditions apply:

1. Federal agencies may review information only for students who receive federal aid from Pell, FSEOG, FFELP, FWS, NDSL, SLS, PLUS/CLAS, Veterans Chapters 30, 31, 32, 34, 35, or 106.
2. State agencies may review information only for state aid recipients.
3. In both cases (1&2), the information reviewed is limited to that necessary to determine:
  - a. eligibility
  - b. the amount of aid awarded
  - c. conditions of aid
  - d. terms of aid
  - e. accuracy of required reports

4. Students who are applicants for aid may review their files except for parental financial documents. Parents' documents can be released only with the written consent of the parents.
  4. Immigration and Naturalization
  5. Organizations conducting studies for, or on behalf of the College.
- B. Social Security, Health & Human Services, State Departments of Employment Development, food stamps, etc. **WRITTEN PERMISSION FROM THE STUDENT IS REQUIRED.**
1. The Social Security form submitted by the student will constitute a written request to provide the needed information.
  2. All other agencies should submit a written waiver, signed by the student, and have a current date.

#### **VIII. LOG FILE**

The College will maintain a log for student records which lists all persons, agencies, or organizations requesting or receiving information from student records. The log will indicate what information was requested and for what purpose.

The following items DO NOT need to be recorded:

- A. A student allowed access to his/her own records.
- B. Person, agencies or organizations which have received "Directory Information" as defined above.
- C. Parties which have been granted access to a student's records as a result of a written consent.
- D. College officials or employees having a "legitimate educational interest" in a student's records as defined above.

A log file is to be maintained in any area that may release student information.