

## Student Records Policy

Section 1 - Purpose: The educational interests of students and society require collection, retention and use of information about individual students and groups of students. The educational necessity to gather such information must be balanced with the protection of individual rights to privacy and self-determination. Education records shall be objectively based on the personal observations or knowledge of the originator.

Section 2 - Definitions:

“directory information”

Directory information shall be limited to the following categories of information relating to a student: student name, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, and degrees and awards received.

“education records”

Except as otherwise provided in this policy, the term education records means those records, files, documents and other materials which contain information directly related to a student and are maintained by the college or by a person acting on behalf of the college.

The term “education records” does not include:

- a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof, which are in the nature of memory aids or professional notes not intended for second party review and revealed to any other person except a student.
- b. Records and documents of the college’s Department of Public Safety are kept apart from other student records and are maintained solely for law enforcement purposes and are not made available to persons outside such department.
- c. Records made and maintained by the college in the normal course of business which relate exclusively to employees of the college in their capacity as employees.
- d. Records on a student which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para-professional acting in his/her professional or para-professional capacity or assisting in that capacity, providing such records are made, maintained or used only in conjunction with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed

by a physician or other appropriate professional of the student's choice.

“student”

The term student means any person who is or was enrolled in an academic program of study at the college, but such term does not include a person who has not been in attendance at the college.

Section 3 - Categories of Education Records: The college is authorized to gather and maintain education records as that term is defined herein and, in addition, the following:

- a. Directory information as that term is defined herein.
- b. Citizenship and sex of student and name of parents or guardian.
- c. Attendance records.
- d. Description of student educational progress according to the system of evaluation used by the college, including grade level of achievement, test scores (standardized or otherwise).
- e. Health data and health history, including results of physical examinations.
- f. Observations and ratings of individual students by professional employees of the college acting within their sphere of competency.
- g. Samples of student work.
- h. Information obtained from professionally acceptable standard instruments of measurement such as interest and vocational preference inventory results; scores on standardized intelligence, aptitude and psychological tests.
- i. Extracurricular activities and achievements.
- j. Academic honors.
- k. Authenticated information provided by student concerning educational achievements which the student wants to make a part of the record.
- l. Application for admission.
- m. High School academic records, including standardized test scores administered in high school.
- n. Letters of recommendation.
- o. Academic transcripts of County College of Morris or other colleges attended by the student.
- p. Academic probation and dismissal letters written on behalf of the college.
- q. Requests for access to or release of student records.
- r. Correspondence between the student and the college.
- s. Financial aid applications and financial records of parents.
- t. Such other records as are mandated by federal or state law or regulation.

Section 4 - Form of Records: All anecdotal information collected on a student will be authenticated information which has been dated and signed by the individual who originated the data. Hearsay information is not considered authenticated.

Section 5 - Maintenance of Records: When any portion of the education records of a student is maintained in a location other than his/her central file, notations shall be made in the student's central file as to where such other portions the education records may be found. The Registrar shall be responsible for the custody of the records.

Section 6 - Materials Not Available to Students: The following material shall not be available for inspection by students:

- a. Material or records excluded from the definition of "education records."
- b. Financial records of parents of the students or any information contained therein.
- c. Confidential letters or statements of recommendation placed in the student's file prior to January 1, 1975, if such letters are used specifically for the purpose intended.
- d. Confidential letters respecting admission to an educational institution, applications for employment or receipt of honorary recognition placed in the student's records after January 1, 1975, providing the student has signed a waiver of right of access to such confidential letters or statements.

Section 7 - Release of Director Information: At the commencement of each academic year, the college shall give public notice of the categories of information contained within the term "directory information" as defined herein. A student may, within two (2) weeks of such notice, communicate in writing to the Office of the Registrar to withhold the public release of any or all of the designated directory information. In the absence of written objection, the college may make appropriate public release of directory information relating to a student without the prior consent of such student.

Section 8 - Access to Records: Education records of a student may be released to or be inspected by the following individuals, agencies or organizations:

- a. The student in whose name such records are maintained, subject to the exclusions provided in Section 6 above.
- b. Professional employees of the County College of Morris, who have been determined by the college to have a legitimate educational interest in the education records or portions thereof of a specified student.
- c. Officials of other educational institutions in which the student seeks or intends to enroll upon the condition that the student be notified of the transfer, receiving a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
- d. Representatives of (i) the Comptroller General of the United States; (ii) the Secretary of the Department of Health, Education and Welfare; (iii) an administrative head of an educational agency as defined in Section 1221e-3(c) of Title 2 United States Code; or (iv) educational authorities of the State of New Jersey. Should any of the foregoing governmental or educational authorities require access to student or other records which may be necessary in connection with the audit and evaluation of a federally-supported education program in connection with the enforcement of federal legal requirements which relate to such programs, collection of personally-identifiable information when specifically authorized by federal law, shall be protected by such officials in a manner which will not permit the personal identification of students and their parents by other than those officials, and such

personally-identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of federal legal requirements.

- e. Appropriate agency or authority in connection with a student's application for or receipt of financial aid insofar as the information provided is directly related to such financial aid.
- f. New Jersey State and local officials or authorities to whom such information is required to be reported or disclosed pursuant to New Jersey statutes adopted prior to November 19, 1974.
- g. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs or 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 purpose for which it is conducted.
- h. Accrediting organizations in order to carry out their accrediting functions.
- i. Parents of a dependent student or such parents as defined in Section 152 of Title 26, United States Code.
- j. Appropriate persons in connection with an emergency if knowledge of such information is necessary to protect the health or safety of the student or other persons, subject to regulations of the Secretary of the Department of Health, Education and Welfare.
- k. In compliance with judicial order, or pursuant to any lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith by the college.

In addition to the foregoing, if any material or document in the education record of a student includes information on more than one student, such other student or students shall have the right to inspect and review only such part of such material or document as related to such other student or students, or to be informed of the specific information contained in such part of such material.

Section 9 - Access Upon Consent of Student: In addition to those individuals, agency or other organizations specified in Section 8, access to personally-identifiable information in education records shall be granted whenever the college receives the written consent of a student to grant such access. Such written consent shall specify: (a) the records to be released; (b) the reasons for such release; (c) and the individual, agency or organization to whom such records are to be released. In addition, a cop of the records to be released may be furnished to the student.

Section 10 - Transfers with Restriction: The granting access or transfer of education records authorized in this policy to third parties not affiliated with the college shall be subject to the condition that such third party will not permit any other party to have access to such information without the written consent of the student.

Section 11 - Procedure for Request for Records or Inspection of Same: A student, as defined in this policy, or third party not affiliated with the County College of Morris seeking education records or the right to inspect same must complete and submit in writing to the Office of Records and Registration an appropriate request or in lieu thereof present an appropriate judicial order or lawfully issued subpoena. If the request is determined to be authorized and in compliance with this policy, the college shall grant access or release the requested records to the student or other authorized party making such request within forty-five (45) days from the date

the request was filed. No education records shall be altered or destroyed during the period between the filing of the request form and actual review of the record. A representative of the college shall be present during the period of inspection to be available for the interpretation of the records and to prevent alteration, damage or loss of the record. The person to whom access has been granted shall not alter the records during such inspection.

Section 12 - Record of Access: The college shall maintain and keep with the education records of each student, a record which will indicate all individuals (other than those specified in paragraph b of Section 8 of this policy), agencies, or organizations which have requested or obtained access to a student's education records maintained by the college. Such record of access shall indicate specifically the legitimate interest that each such person, agency or organization has or asserts in obtaining such information. The record of access shall be available only to the student, and those officials of the County College of Morris who are responsible for the custody of education records, and to those persons or organizations specified in and under the conditions of paragraphs c and d of Section 8 as a means of auditing the operation of the system.

Section 13 - Right to Challenge Content: Each student shall have the right to challenge the content of his/her education records or any portion thereof on the basis that such records are inaccurate, misleading or otherwise in violation of the privacy or other rights of students. A student wishing to make such challenge shall submit in writing to the Assistant Vice President of Student Affairs, Student Engagement and Success to submit a request for correction of any such inaccurate, misleading or otherwise inappropriate data contained in such student's education records, which request shall (a) specifically identify that portion of the record challenged and (b) explain the basis of the challenge. Within ten (10) calendar days of receipt of such request, the Assistant Vice President of Student Affairs, Student Engagement and Success or their designee shall meet informally with the student to attempt to resolve the matter. If the matter is not resolved to the satisfaction of the student at such informal meeting, the request shall be referred to the Assistant Dean of Students who shall schedule a private informal hearing on the matter. The student shall be given at least five (5) days advance notice of the time and place of such informal hearing, which shall be private and confidential and shall be conducted by the Assistant Vice President of Student Affairs, Student Engagement and Success or their designee, provided such designee does not have a direct interest in the outcome of the hearing. The student shall be afforded a full and fair opportunity to present relevant information at such hearing. Assistant Vice President of Student Affairs, Student Engagement and Success shall render their decision in writing no later than forty-five (45) days after the filing of the initial request with the Assistant Vice President of Student Affairs, Student Engagement and Success. A copy of such decision shall be given to the student, and the decision of the Assistant Vice President of Student Affairs, Student Engagement and Success shall be deemed the final decision of the college on the matter. In addition to the rights otherwise granted to students in this section, each student shall have the

right to insert in his/her education records a written response or explanation respecting any portion of the content of education records.

The rights set forth in this section do not include the right to challenge a grade, academic standing, honors, disciplinary decisions or college regulations or policies. The rights specified in this section are limited to a challenge of the accuracy by which such grades, disciplinary actions or other matters have been recorded in the education record.

Section 14 - Notification of Rights: The college shall annually advise students of their rights under this policy, the definition of education records set forth in the policy, as well as the procedures contained herein.