

SOUTHWESTERN COMMUNITY COLLEGE	STUDENT SERVICES STUDENT RECORDS	Policy 6.04.07
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All student records must be current and maintained with appropriate measures of security and confidentiality. The College is responsible for complying with all legal requirements pertaining to the maintenance, review and release of records retained by the College.

I. COMPLIANCE WITH FERPA RIGHTS

- A. The Family Educational Rights and Privacy Act ("FERPA") provides students with certain rights to privacy of their educational records and rights of access by others to their educational records. College employees are expected to fully comply with this Policy.
- B. For purposes of this Policy, "student" means an individual who is or has been in attendance at the College. It does not include persons who have not been admitted, who have been admitted but did not attend the College or individuals enrolled solely in non-credit courses. "Attendance" starts when the individual matriculates or declares their intention to enroll at the College, whichever comes first.

II. ANNUAL NOTIFICATION OF RIGHTS

The College shall provide every student with annual notification of their rights under FERPA. The Executive Vice President for Instruction and Student Services, or his/her designee, is responsible for preparing and delivering this annual notice.

III. RIGHT TO INSPECT RECORDS

- A. Students who want to inspect their education records should direct that request to the Director of Student Records/Registrar's Office.
- B. Records which are available for inspection shall be provided to the student during regular business hours within 35 days of request.
- C. Students may obtain copies of their educational records if circumstances make on-site inspection impractical and the student is in good standing. Students will receive educational record copies within 35 days of request. When copies are provided, the student may be charged a reasonable fee for the actual copying expense.

IV. DIRECTORY INFORMATION

- A. The College may release directory information. SCC defines Directory information as the student's name, major field of study, participation in officially recognized activities and sports, degrees and honors received, dates of enrollment and current enrollment status. Directory information will only be released if the college determines an educational benefit for the student from the requesting party.
- B. Students who do not wish the above directory information released to outside persons or agencies must notify the Director of Student Records/Registrar's Office and complete an "opt out" form. Once a student completes and "opt out" form, a restriction will be placed

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on the release of the student's directory information until the student resends the "opt out" form.

V. RELEASE OF EDUCATIONAL RECORDS

~~The College will not release a student's educational records, aside from directory information, to a third party unless the student consents to the release or a valid, legal exception applies. Exceptions include, but are not limited to:~~

The College will not release a student's educational records, aside from Directory Information, to any third party unless the student consents to the release; this policy specifies otherwise; or a valid, legal exception applies.

A. The College shall disclose the education records of a student, who is under the age of 18, to:

- i. the student's school administrators and school counselors at the secondary school in which the student is dually enrolled, and
- ii. to the student's parent(s) or guardian(s), so long as the parent or guardian claims the student as a dependent on the parent or guardian's federal tax return.

Prior to registration in any course at the College, a minor student must acknowledge in writing that the minor student's education records shall be disclosed as set forth in this subsection. The minor student shall provide the College with the name and address of the parent(s) or guardian(s), in which the student is a tax dependent. The College may also require parents or guardians to certify they claimed the student as a dependent on their most recent federal tax returns, as set forth in Section VII D below.

A.

A. Disclosures to School Officials with Legitimate Educational Interests. For purposes of this Policy, school officials with legitimate educational interests include:

1. College faculty and other college officials with legitimate educational interests (including the College attorney).
2. College officials of other institutions in which the student seeks or intends to enroll.
3. Authorized representatives of federal, state or local government.
4. Authorized organizations conducting studies or determining eligibility related to testing, financial aid, instruction, or accreditation.
5. In emergencies, appropriate persons if necessary to protect the health or safety of the student or others.
6. Information about deceased students may be released to a spouse, parents, or executors of a student's estate for a period of six (6) months after the death. Beyond six months, deceased student information is treated the same as other student directory information. The request for deceased student information must be in writing accompanied by an official death certificate.

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B. Disclosures may be made to school officials which include any of the following when that person has a legitimate educational interest in having access to the information:

1) any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed by the College;

2) a member of the College's Board of Trustees;

3) a contractor, consultant, volunteer, or other party to whom the College has outsourced services or functions, such as, but not limited to: an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, law enforcement unit, criminal or administrative investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the College would otherwise use employees, is under the direct control of the College with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of PII from education records; and

4) a person serving on a committee appointed by the College, such as a disciplinary or grievance committee or other review committee.

C. In compliance with Title IX, the College may disclose the final results of campus disciplinary proceedings in which a student respondent is charged with a violent crime or non-forcible sex offense. Upon the request of the complainant, disclosure may be made regardless of whether the respondent was found responsible. Disclosures to third parties may be made only if the student respondent is found responsible. Disclosure in this situation is limited to the name of the violator, the type of student code violation found to have occurred, and the sanction imposed by the College.

D.

~~Disclosures to Parents/Legal Guardians. The College shall release a student's educational records to the student's parents when: i) the student is listed as a dependent on the parents' tax returns; ii) the student violated a law or the College's policies regarding drugs and alcohol and the student is under the age of 21; or iii) the disclosure is needed to protect the health or safety of the eligible student or other individuals in an emergency situation. The College shall may release a student's educational records to the student's parent(s) or guardian(s), when requested by the parents/guardians and:~~

- i) ~~the student is listed as a dependent on the parents'/guardians' tax returns;~~
- ii) ~~ii) the student violated a law or the College's policies regarding drugs and alcohol and the student is under the age of 21; or~~
- iii) ~~iii) the disclosure is needed to protect the health or safety of the eligible student or other individuals in an emergency situation. For disclosure of records under (i), the College may require parents or guardians to certify they claimed the student as a dependent on their most recent federal tax returns, as set forth in Section VII D below.~~

B.

~~C-E.~~ Disclosures for Health or Safety Emergencies.

~~D-F.~~ Disclosures as Required by Law or Mandated by Subpoena or Court Order.

For a complete list of legal exceptions allowing disclosures without student consent, see 34 C.F.R. pt. 99 *et al.*

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VI. CORRECTING RECORDS

A student has the right to challenge an item in his/her records believed to be inaccurate, misleading or otherwise in violation of the student's privacy rights. The Dean of Students shall examine a request to amend a student record item and respond in writing to the person who challenges the item. Subsequent steps, if necessary, will follow Policy 6.03.05 – Student Grievance beginning at Step Two. If the final decision is that the information in the record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the Dean of Students shall inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the College's decision.

VII. MISCELLANEOUS

A. Students who believe their rights have been violated may file a complaint with the [Family Compliance Office Student Privacy Policy](#), U.S. Department of Education, 400 Maryland Ave., SW, Washington D.C. 20202. Complaint must be filed within 180 days of the date of the alleged violation or the date the student knew or should have known of the alleged violation.

B. A hold may be applied to the release of an official ~~transcript~~, diploma, or other information requested from an official record, for a student who has an overdue indebtedness to the College or has not completed the required Financial Aid Loan Exit Counseling (if applicable). A hold may be applied for failure to comply with a disciplinary directive issued by the Conduct Officer. Such a student continues to have the right to see and photocopy his official record upon request.

~~C. The College shall destroy student records in accordance with federal and state law. The College shall not destroy student records if there is an outstanding request or grievance related to those records. The College shall only destroy student records in accordance with federal and state laws and regulations and as allowed by the Records Retention & Disposition Schedule for North Carolina Community Colleges. The College shall not destroy student records if there is an outstanding request, grievance or legal matter related to those records.~~

D. If the parent(s) or guardian(s), of a student, who is a dependent for federal tax purposes, requests access to that student's education records without prior consent of the student, the parent(s) or guardian(s) may demonstrate the tax dependency of a student by [choose option (a) or (b)] (a) submitting to the College a copy of the first and signature pages of their most recently filed federal income tax return (with personal financial data redacted). (b) certifying in writing that the student is a tax dependent of the parent(s) or guardian(s). Alternatively, a student may demonstrate tax dependency by submitting a signed statement of their tax dependency to the College.¹

¹ FERPA has, for over a decade now, allowed colleges to share student records with parents if the student was a tax dependent of the parent, regardless of the student's age. (Note, a parent can only claim a child up to the age of 24 if they are a full-time student). Whether to share records with a parent, however, was at the discretion of the College.

Adopted:Legal Reference: 10 U.S.C. § 983; 20 U.S.C. § 1232g; 34 C.F.R. pt. 99; N.C.G.S. § 115D-10.80Legal Reference: 20 U.S.C. § 1232g, 34 C.F.R. pt. 99Cross Reference: 3.03.02 Solicitation on Campus;
3.03.05 Student Grievance

Adopted: April 2012

Revised: October 28, 2014
April 28, 2015
January 26, 2021
January 25, 2022
September 23, 2025**Formatted:** Font color: Auto**Formatted:** Left, No bullets or numbering, Border: Top: (No border), Bottom: (No border), Left: (No border), Right: (No border), Between : (No border)**Commented [1]:** This is not included in the information provided by Dean Shatley

The new state legislation ("Leon's Law") now directs colleges to share student records with parents (who claim the student as a dependent) if the student is a minor. For students 18 years and over, it is still within the college's discretion to share information if the student is a tax-dependent.

FERPA does not provide any guidance on how colleges should verify a student's tax dependency. (Further, the new proposed rule from the System Office does not address verification either.) There are three easy ways to verify tax dependency: (1) the parent provides a copy of their tax return; (2) the parent attests/certifies they claim the student as a tax dependent (this could be accomplished by simply signing a form); or (3) the student certifies they are a tax dependent, also by signing a form. In the model language above, you will need to select between options 1 and 2. (Option 3 can be inserted or removed regardless of whether you choose option 1 or 2). Note, the recent template form sent out by the System Office requires the parent to provide a copy of their tax return.

Most universities that permit sharing education records of adult student with their parents require a copy of the first and last page of the parent's tax return, with sensitive information redacted. Whichever option you choose, we recommend requiring the same verification for minor students as you do for adult students. Lastly, if a college has the student's consent to share education records with parents, then proof of tax dependency is not necessary. Therefore, it may be easiest to gain a minor student's consent when they sign the acknowledgement required by Leon's Law.