

A Student's Right to Privacy

Occasionally, the College of Marin receives requests from various agencies seeking directory information on our students. These agencies can be public, private or governmental in origin, e.g., scholarship search companies, public or private colleges and universities, U.S. Military (Department of Defense), and others.

Directory Information Defined: Directory information is defined as information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, date and place of birth, level of education, major field of study, participation in officially recognized activities and sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, and most recent previous educational agency or institution attended.

Release of Directory Information: Directory information may be released at the discretion of the College; however, under Federal and State law, a student has the right to request that the College of Marin withhold directory information on behalf of the student.

Once a request is made, directory information will be withheld from all entities. The College assumes no liability for honoring a student's request that such information be withheld.

Request to Withhold Directory Information: A request to withhold directory information must be directed to the Dean of Enrollment Services in writing. The request must be signed and dated by the student. Students may also come to the Office of Admissions and Records at the Kentfield and Indian Valley campuses and complete a "Request to Withhold Directory Information" form.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;

- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, “directory” information such as a student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

For additional information or technical assistance, you may call 202.260.3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at 1.800.877.8339.

Or you may contact us at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920