

# STUDENT FREEDOMS AND RIGHTS

<https://www.clackamas.edu/about-us/accreditation-policies/student-rights>

## FREEDOM OF ACCESS TO HIGHER EDUCATION

Within the limits of its facilities, Clackamas Community College shall be open to all applicants who are qualified according to current admission requirements. This institution, in compliance with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and other applicable laws and regulations, does not discriminate on the basis of race, color, religion, age, gender, gender identity, sexual orientation, national origin, mental or physical disabilities in any of its policies, practices, or procedures. This includes, but is not limited to: admissions, employment, financial aid and educational services, programs and activities.

## ON-CAMPUS RIGHTS OF STUDENTS

### A. Student Right to Learn

At Clackamas Community College, we believe EVERY student has the right to a high-quality education. We also believe everyone has the right to feel safe on campus and at our off-site classrooms. To reflect our dedication to you, the CCC Board of Education adopted the Right to Learn resolution at its December 2016 meeting. This resolution reconfirms our historical practice of keeping the information in your student record confidential and reaffirms our Code of Ethics, which "recognizes the inherent goodness of all people, respects diversity, and shows concern for the needs and feelings of others."

Here is what you should know:

As required by the Family Education Rights and Privacy Act (FERPA), representatives of CCC (including employees, work-study students, volunteers, etc.) will NOT provide student record information without consent of the student.

In fact, we will never ask about your immigration status or that of your family

Our College Safety officers are not a law enforcement agency at the college. These officers have no authority to enforce immigration code, nor do we wish them to do so. They are here to help you and keep you safe.

If law enforcement or representatives of the federal government come to the college with a subpoena or a warrant (for any reason):

We will request they submit a notice of intent to the college president, through one of the president's designees. We will validate the officer's credentials and the legal validity of the request. As required by law, we will provide information requested by valid warrants and subpoenas or as required to support our international students.

Our hope is that our campuses remain a safe, inclusive and welcoming environment for everyone. At Clackamas Community College, you and your education come first.

## **B. Rights Related to the Classroom**

The instructor, in the classroom and in conference, must include opportunity for free discussion, inquiry and expression within the content of the course. Instructors will be expected to state course content, objectives and criteria for student attendance.

### **1. Protection of Freedom of Expression**

Students will be free to state reasonable exceptions to material or views offered in any course of study and to reserve judgment concerning matters of opinion; however, they are responsible for learning the content of any course for which they are enrolled. Instructors will provide ample opportunity for the student to accomplish this goal.

### **2. Protection Against Improper Academic Evaluation**

Academic evaluation of student performance by instructors shall be based upon academic achievements. Academic evaluation shall, under no circumstances, be prejudicial or capricious.

## **C. Rights Related to Freedom to Participate in Institutional Governance**

Students may identify and address Issues that relate to institutional policy and other matters that relate to the student body. The CCC Association of Student Government represents the students in governance. Students are invited to talk to their ASG leaders about their ideas regarding campus decision making and policies as they affect their general educational endeavors.

## **D. Rights Related to Freedom of Association**

Students may join approved associations and clubs that promote common interests. Students are subject to the rules outlined by the CCC Associated Student Government regarding clubs and organizations procedures.

# **OFF CAMPUS RIGHTS OF STUDENTS**

## **A. Off Campus Representation of the College**

Student organizations officially representing Clackamas Community College may not sponsor, join in sponsoring, hold, or attend off-campus events without securing prior permission. Permission must be secured from the appropriate faculty advisor. Each Clackamas Community College student shall be held responsible to the college for his/ her actions and the implications of his/her action in his/her particular representation of the college, whether it be social, athletic or academic.

## **B. Off Campus Non-Representation of the College**

Students not representing Clackamas Community College are, of course, free to exercise their own judgment as to what they do. However, those who participate in off-campus activities are reminded that they are still subject to city and county ordinances and state laws.

# **STUDENT RECORDS AUTHORITY**

**Federal Law** – On August 21, 1974, federal legislation known as the “Education Amendments” of 1974 was enacted to become effective on November 20, 1974. Section 513, (a) Part C of the General Education provisions Act was further amended by adding at the end thereof a new section: “Protection of the Rights and Privacy of Parents and Students,” which was further amended by S.J. Res. 40 and Federal Regulations authorized in PL 93-380.

**Oregon Law** – ORS 326, 336, 192 and Oregon Administrative Rules (OAR) 589- 004-0100 through 589-004-0750 established a definition of student records, rules of inspection or release of student records, that student records are not public records for the purpose of ORS 192.001 and provisions for transfer of student records.

**ORS 44.040** – Covers confidential communications of certified staff members.

Which Law applies – Where a direct conflict exists between Oregon Law and Federal Law, a district receiving federal funds must follow federal laws relating to education rights and privacy or face the loss of federal funds.

The law which gives the greatest protection to the rights and privacy of parents and students shall take precedence in other cases.

### **A. Purpose**

Student Records are maintained for the benefit of the student. They should be used to promote the instruction, career development, guidance and educational progress of the student.

### **B. Defined**

Information which evolves from the student and the student's participation in education on and off campus, shall be dealt with and considered in the following four categories:

#### 1. Student Progress Records

- a) Transcript of grades and courses taken
- b) Attendance
- c) Health Records
- d) Achievement test scores
- e) Class schedule

#### 2. Student Behavioral Records

- a) Family background
- b) Psychological test information
- c) Personality evaluation
- d) Anecdotal records
- e) Written transcripts of incidents relating to student behavior
- f) Records of conversation

#### 3. Directory Information

"Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Clackamas Community College has established an institutional policy to release limited directory information as defined in the Family Educational Rights and Privacy Act (FERPA). The following information can be released upon verbal request to anyone:

- a) Full name
- b) Enrollment status
- c) Verification of certificate, degree or honors and awards
- d) Residency status
- e) Major
- f) Athletic participation – height and weight of team members
- g) The following information may be released by the Dean of Academic Foundations and Connections or Registrar:
  1. Address and Telephone Number
  2. Class location to Public Safety in case of health or safety emergencies.

Exceptions to the above may include but are not limited to:

- a) Release of alumni names and addresses to CCC Foundation office for communication with graduates;
- b) Student athletes may sign a release of information form through the Athletic Department for the release of information regarding registration activity, grades and access to records by their

coach or the athletic director. Other student groups may also sign similar releases through their department/group.

Students employed with the college who have access to student records receive FERPA training and are asked to read and sign an institutional confidentiality statement of understanding.

Directory information for use within the college is permitted in accordance with FERPA guidelines. Disclosure within the college does not constitute institutional authorization to transmit, share or disclose any or all information received to a third party.

#### 4. Memory Aids

Personal working notes of individual staff members are considered personal property and are not to be interpreted as school records unless they are formalized for use as progress or behavioral records, providing they are in the sole possession of the maker thereof and are not accessible or revealed to any other person except a substitute.

### C. Conditions for Use of Student Records

1. School certified staff shall have access to student "progress records" when there is a demonstrated educational interest in the student.
2. School certified staff shall have access to student "behavioral records" only in the presence of a person qualified to interpret the record and when there is a demonstrated interest in the student. The person qualified to interpret the record is the Registrar, Chair of Counseling, staff, or other designated person with equivalent background to interpret psychological test information, psychological reports or other similar information.
3. Student teachers and practicum students are subject to the same restrictions as members of the certified staff and any release of information must be made by their certified supervisor.
4. Designated paraprofessional financial aid and clerical staff may have access to student records for purposes of making entries or maintenance of the records but they do so under the supervision of a certified staff member qualified to interpret the records.
5. Guidelines for determining certified staff members with a demonstrated interest in the student are as follows:
  - a) Instructor has the student in class or student activity
  - b) Counselor is working with student
  - c) Certified staff member is participating in a staffing or case review for a particular student
6. Student records may be released with the student's written permission for such purposes as are set out in the written release.

### D. Conditions for Release of Records

1. All student records maintained by the school shall be made available for inspection by the student, except that behavioral records shall be released only in the presence of a person qualified to interpret the records. Review requests may be made to the Registrar or the Dean of Academic Foundations and Connections.
2. Progress records may be released to other persons, agencies or institutions with a demonstrated interest in the student only if a written release has been signed by the student. Behavioral records may be released to other persons, agencies, or institutions only if there is written consent from the student specifying the records to be released and with a copy of the records released to the student if desired. Certain other select individuals and agencies may have access to student records without prior written consent of the student. These include the Comptroller General of the United States, State Department of Education, the U.S. Department of Education, the Northwest Commission on Colleges and Universities, the Oregon State System of Higher Education, the Offices of Oregon Community Colleges and those in conjunction with a student's application for or receipt of financial aid. The student shall not have access to the financial records of the parents.

3. All persons, agencies or organizations desiring access to the records of a student shall sign a written form kept in the file of the student. A written statement shall indicate specifically the legitimate interest of the person, agency or organization seeking this information. This form shall be available to the student and the school official responsible for maintenance of the record.
4. Progress and behavioral records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to the records without written consent of the student. When records are transferred to a third party, the following written statement shall accompany the transfer: "Federal and state statutes prohibit sharing the contents of this record with any other party without the written consent of the student."
5. Release of student records may be made by the Registrar, Dean of Academic Foundations and Connections, or the Vice President of Instruction and Student Services or used in any proceedings in compliance with judicial order or lawfully issued subpoena upon the condition that the student is notified of all such order or subpoenas in advance of the compliance by the educational institution or agency. When appropriate, personal delivery of the records will be made by the Registrar or an appropriate administrator qualified to explain or interpret the records.
6. Information gained as a result of conversations, conferences or staff meetings regarding student problems must be kept confidential. Release of student record information by telephone is prohibited except as required in meeting health or safety emergencies.
7. Information gathered for research purposes shall not be released in any manner which would allow personal identification of students.

#### **E. Provision to Challenge Content of Student Record**

1. Upon reviewing the student records, if the student believes that such records are inaccurate, inappropriate or misleading, the student shall have the right to challenge the contents of the record. If the Registrar agrees that the record is inaccurate, inappropriate or misleading, steps shall be taken to correct the record. Should the Registrar decide not to amend the record in accordance with the student's request, the student will be notified in writing and given an opportunity to appeal. All student record appeals will be administered by the Dean of Academic Foundations and Connections.

#### **F. Gathering and Recording Student Record Information**

1. The Registrar shall be designated the primary custodian of the student records and shall have responsibility for supervising, collecting, recording and releasing student record information other than the information listed below.
  - a) Financial Aid records fall under the jurisdiction of the Director of Financial Aid and Scholarships.
  - b) Behavioral records, discipline records, and achievement test scores fall under the jurisdiction of the Associate Dean of Academic Foundations and Connections.
  - c) Security records fall under the jurisdiction of the Director of Campus Services.
2. All student records shall be periodically reviewed and irrelevant materials discarded and records updated. Permanent records are kept in a safe, vault or file having a minimum one hour fire-safe rating.
3. The college shall designate categories of public information to be known as directory information. These categories are stated in the college catalog.
4. At the point of admission, registration, and upon extension of credit, students will be asked to provide their social security number and advised of their rights concerning the gathering and use of student information, including social security number.

## **G. Limitations on Access**

The following records will not be available for student review:

1. Financial records of the parents of students.
2. Confidential letters or statements or recommendations which were placed in educational records prior to January 1, 1975.
3. Any records for which the student has signed a waiver of student's right to access (e.g. regarding confidential recommendations to any educational agency or institution, application for employment and receipt of honor recognition).
4. Campus security records if used for law enforcement purposes.
5. Medical records maintained with regard to treatment but allowing for the student to have a professional of his/her choice examine such records.