

STATEMENT OF POLICY IN ACCORDANCE WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Each semester, TMCC publishes information in the class schedule for students concerning the Family Educational Rights and Privacy Act of 1974, as amended. This act was designed to protect the privacy of educational records and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. This is not a means for challenging the fairness of a grade. A student wishing to challenge the fairness of a grade should read the section on Grade Appeals (<https://catalog.tmcc.edu/records-grading-graduation/grade-reports/>) and the Appeals Procedures (<https://catalog.tmcc.edu/appeal/>) section of this course catalog.

No one shall have access to, nor will the campus disclose any information from a student's educational records without the written consent of the student except to:

- personnel within the institution and college work study students performing an assigned college function;
- the Nevada System of Higher Education;
- University Police performing an assigned System function;
- the Controller General of the United States;
- the Secretary of the United States Department of Health, Education and Welfare;
- the United States Commissioner of Education;
- the Assistant Secretary of Education;
- the Nevada State Education Department;
- officials of other institutions in which the student is seeking to enroll;
- accrediting agencies carrying out their accreditation function;
- persons in compliance with a judicial order;
- parents who have established the student's dependency as defined by the Internal Revenue Code of 1954, Section 152;
- officials providing student financial aid;
- the Veterans Administration, Social Security Administration, the Guaranteed Student Loan program, Wells Fargo Bank, Bank of America, Chase Manhattan Bank, City Bank Corporation of New York and the United Student Aid Fund;
- organizations conducting studies for or on behalf of educational agencies;
- persons in an emergency in order to protect the health and safety of students or other persons.

Students may authorize the release of non-directory information to specific individuals by changing security settings via the MyTMCC Student Center or by submitting a printed form (<https://catalog.tmcc.edu/general-information/tmcc-privacy-notice-printed-materials/>) to Admissions and Records located at Red Mountain Building, Dandini Campus, room 319.

Release of Directory Information

At the registrar's discretion, the campus may provide directory information to agencies, businesses and individuals with legitimate interest in the educational or career goals of the student, in accordance with the provisions of the Act to include: student name, participation in officially recognized activities and sports, address, telephone number, weight and height of members of athletic teams, most recent educational agency or institution attended, email address(s), semesters of enrollment, full-time/part-time status, degree(s) awarded, emphasis field(s), certificate field(s), honors and awards, and date(s) of graduation.

Under the provisions of FERPA, school officials may release directory information at their discretion without prior consent of the student. A "school official" is:

- any person employed by the College in an administrative, supervisory, academic, research or support staff position (including law enforcement units and student workers);
- a person of a company with whom the College has contracted (such as an attorney, auditor, bookstore, or collection agent);
- a person serving on the Board of Regents;
- a person assisting another school official in performing his or her tasks.

Students may have directory information withheld by changing security settings via the MyTMCC Student Center or by submitting a printed form (<https://catalog.tmcc.edu/general-information/tmcc-privacy-notice-printed-materials/>) to Admissions and Records located at Red Mountain Building, Dandini Campus, room 319. TMCC assumes that failure to specifically request the withholding of directory information indicates individual approval for disclosure. TMCC maintains records of requests and disclosures of personally identifiable information with the exception of the information disclosed to parties described above in the performance of their duties. The records of request, whether granted or not, shall include the names of the persons who requested the information and their legitimate interests in the information.

Student Right to Inspect and Review Information

The law provides students with the right to inspect and review information in their educational records, to challenge the content of their educational records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their file if they feel the decision of the hearing panel to be unacceptable.

Students wishing to review their educational records must file a written request with the custodian of the records listing the item or items of interest. Records covered by the Act will be made available for inspection within 45 days of the request. Students may have copies made of their records with certain exceptions, e.g., a copy of academic records for which a financial hold exists, or a transcript of an original or source document which exists elsewhere. Copies would be made at the students' expense of one dollar per page. Educational records do not include records of instructional, administrative and educational personnel which are in the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute; records of the law enforcement unit; employment records or alumni records. Persons who have not enrolled may not review their educational records.

Educational records may be located in the following offices of TMCC.

- Administration: may include disciplinary hearing records, and student appeal documents. The custodian of these records is the division administrator. This office may also have records of disciplinary investigations. The custodian of these records is the associate dean of instructional support.
- Admissions and Records Office: may include application for admission, transcripts of previous training, resident fee application, applications for change in tuition status, letters of recommendation, academic records, registration materials, veteran certification records. The custodian of these records is the director of admissions and registrar.
- Business Office: may include registration payments, student loan files and miscellaneous fee records. Custodian of the records is the controller.
- Institutional Research and Assessment Office: may include test scores. The custodian of these records is the Executive Director of Institutional Research.
- Student Development Office: may include appeals and grievances. The custodian of these records is the vice president of student services.
- Financial Aid Office: may include financial aid records, scholarship records, and employment records. The custodian of these records is the director of financial aid.
- Instructional departments: may include records of students under the Job Training Partnership Act (JTPA) and records relating to student academic course work. Custodian of these records is the vice president of academic affairs.
- Special Training Projects: may include records of students under Adult Basic Education (ABE) and English as a Second Language (ESL). The custodian of these records is the coordinator of adult basic education/English as a second language.

Students may not inspect the following as outlined by the Act:

- financial information submitted by their parents;
- confidential letters and recommendations associated with admissions, employment, job placement or honors to which they have waived their rights of inspection and review;
- educational records containing information about more than one student, in which case the campus will permit access only to that part of the record which pertains to the inquiring student.

The campus is not required to permit a student to inspect and review confidential letters and recommendations placed in the student's file prior to January 1, 1975 provided those letters were collected under established policies of confidentiality and were used only for the purpose for which they were collected.

Amendment of Student Record and Appeal Procedures

Students who believe that their educational records contain information that is inaccurate or misleading or is otherwise in violation of their privacy or other rights may discuss their problem informally with the custodian of that record. If the decision is in agreement with the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the record will not be amended, and will be informed by the custodian of the record of any right

to a formal hearing before the student appeals board, except in the case of a grade appeal. The policy on grade appeals is printed in the paragraph Grade Appeals (<https://catalog.tmcc.edu/records-grading-graduation/grade-reports/>) and in the Appeals Procedures (<https://catalog.tmcc.edu/appeal/>) section of this course catalog. Student requests for a formal hearing must be made in writing to the associate dean of institutional support. A student may present, at the student's expense, evidence relevant to the issues raised and may be assisted or represented at the hearing by choosing one or more persons, including attorneys.

Recommendations of the student appeals board will be based solely on the evidence presented at the hearing and will be presented to the president for approval or disapproval. Decisions of the president or designee will consist of written statements summarizing the evidence and stating the reasons for the decision, and will be delivered to all parties concerned. The educational records will be corrected or amended in accordance with the decision of the board if the decision is in favor of the student. If the decision is unsatisfactory to the student, the student may place with the educational records a statement setting forth any reason for disagreeing with the decision of the Board. The statement will be placed in the educational records, maintained as a part of the student's records and released whenever the records in question are disclosed.

Students who believe that the adjudication of their challenge was unfair, or not in keeping with the provisions of the Act may request in writing, assistance from the president of TMCC. Further, students who believe their rights have been abridged, may file complaints with the Family Educational Rights and Privacy Act Office, Department of Health, Education and Welfare, Washington, D.C. 20201, concerning the alleged failure of TMCC to comply with the Act. Revisions and clarifications of college policies will be published as experience with the law warrants.

Use of Social Security Numbers

The Privacy Act of 1974 requires that when any federal, state or local government agency requests disclosure of an individual's social security number, that individual must also be advised whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited and what use will be made of it.

Accordingly, students are advised that disclosure of their social security number is not required as a condition of registration at TMCC. Students desiring to register who do not wish to disclose their social security number may be assigned a special 10-digit student identifier number by the Admissions and Records Office. Students are responsible for utilizing the same identifier number throughout their attendance at TMCC to ensure accurate and complete records.

The social security number is used to verify the identity of the applicant. The assigned 10-digit student identifier will be used as an identifier on student records throughout the enrollment periods of the student in order to accurately record all necessary data. All permanent academic records maintained by the College utilize the assigned 10-digit student identifier as the unique identifier for a student.

As an identifier the assigned 10-digit student identifier is used in program activities such as determining enrollment, recording grades, certifying school attendance, generating student transcripts and student fees.

Authority is granted under the law for requesting disclosure of a student's social security number for the Nevada System of Higher Education, Student Accounting system.

Retention and Disposition of Student Records

TMCC follows the Nevada System of Higher Education's Record Retention Policy (<https://nshe.nevada.edu/wp-content/uploads/file/BoardOfRegents/PGManual/chapters/Chapter%2015%20-%20Records%20Retention%20and%20Disposition%20Schedule.pdf>).

Admissions

Applications for admission	Retain five years after last date of attendance and destroy
Application for resident fees	Retain five years after last date of attendance and destroy
Admission files for no shows	No retention
Incomplete admission files	No retention
Transcripts from other colleges	Retain five years after last date of attendance and destroy
Military service documents	Retain 3 years
Correspondence	Retain one year
Advanced standing admission evaluation	Retain five years after last date of attendance and destroy

Registration and Records

Student permanent academic record (transcript)	Retain permanently
Final grade sheets	Retain permanently
Special examinations	Retain permanently
Registration source documents	Retain two years
Change of registration	Retain two years
Correspondence	Retain two years
Refund exceptions	Retain two years
Transcript requests	Retain six months and destroy
Enrollment certifications	Retain one year and destroy
Class lists	Retain one year and destroy