AP 5045 STUDENT RECORDS – CHALLENGING CONTENT AND ACCESS LOG

References:
Education Code Sections 76222 and 76232;
Title 5 Section 54630

Challenging Content
Any student may file a written request with the Dean of Enrollment Management to correct or remove information recorded in his/her student records that the student alleges to be:
1. inaccurate;
2. an unsubstantiated personal conclusion or inference;
3. a conclusion or inference outside of the observer's area of competence; or
4. not based on the personal observation of a named person with the time and place of the observation noted.

Within 30 days of receipt of the request, the Dean of Enrollment Management shall meet with the student and the employee who recorded the information in question, if any, if the employee is presently employed by the District. The Dean of Enrollment Management shall then sustain or deny the allegations.

If the Dean of Enrollment Management sustains any or all of the allegations, he/she shall order the correction or removal and destruction of the information. If the Dean of Enrollment Management denies any or all of the allegations and refuses to order the correction or removal of the information, the student, within 30 days of the refusal, may appeal the decision in writing to the College Petitions Committee.

Within 30 days of receipt of an appeal, the College Petitions Committee shall, in closed session with the student and the employee who recorded the information in question, determine whether to sustain or deny the allegations. If the College Petitions Committee sustains any or all of the allegations, it shall order the Superintendent/President or his/her designee, to immediately correct or remove and destroy the information. The decision of the College Petitions Committee shall be final.
If the final decision is unfavorable to the student, the student shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the student's record until the information objected is corrected or removed.

Whenever there is included in any student record information concerning any disciplinary action, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

Whenever there is included in any student record information concerning any disciplinary action in connection with any alleged sexual assault or physical abuse, or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within three days of the results of the disciplinary action and the results of any appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

**Access Log**

A log or record shall be maintained for each student's record that lists all persons, agencies, or organizations requesting or receiving information from the record and their legitimate interests. The listing need not include any of the following:

- Students seeking access to their own records;
- Parties to whom directory information is released;
- Parties for whom written consent has been executed by the student;
- Officials or employees having a legitimate educational interest.

The log or record shall be open to inspection only by the student and the Dean of Enrollment Management or any other responsible academic or student development administrator, and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, and state educational authorities as a means of auditing the operation of the system.

▶ From current College of Marin Procedure 4.0003 DP.1 titled Academic Standards

(Pages 31-32)

**Review, Inspection, and Challenge of Records**

Any currently enrolled or former student has the right of access to all of the student's College of Marin academic records. Students wishing to inspect their records may obtain forms from staff in the Office of Admissions and Records; access shall be granted no later than 45 days following receipt of the written request to the Dean of Enrollment Services at College of Marin, Kentfield, CA 94904. The Dean of Enrollment Services will make arrangements for access and notify the student of the time and place where records may be inspected. Qualified personnel will assist the students in
interpreting their records, if necessary. If the records are not maintained by the Dean of Enrollment Services, the student will be advised of the correct office to whom the student’s request should be addressed.

The Dean of Enrollment Services will provide forms for any student who wishes to challenge the content of the student’s records, excluding grades, if the student believes the information to be (1) inaccurate, (2) misleading, (3) an unverifiable personal conclusion or inference outside of the observer’s area of competence, or (4) not based on the personal observation of a named person with the time and place of the observation noted. The student should clearly identify the part of the record the student wants changed and specify why it is inaccurate or misleading. If the student is not satisfied with the results of the challenge procedure, a written request for a formal hearing may be filed with the President, or designee.

Within 30 days of receipt of such a request, the President, or designee, shall meet with the student and employee who recorded the information in question, if any, and if such employee is presently employed by the College. The President, or designee, shall then sustain or deny the allegations in writing. If the President, or designee, denies any or all of the allegations and refuses to order the correction or removal of the information, the student will be notified that the student may, within 30 days of the refusal, appeal the decision in writing to the College of Marin Board of Trustees. Within 30 days of receipt of such an appeal, the College of Marin Board of Trustees shall, in closed session with the student and the employee (if presently employed by the College), determine whether to sustain or deny the allegations. If the Board of Trustees sustains the allegations, it shall order the President, or designee, to immediately correct or remove and destroy the information. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

Office of Primary Responsibility: Admissions and Records

NOTE: The red type signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in black type is current College of Marin Procedure 4.0003 DP.1 titled Academic Standards approved on 2/8/05. The information in blue type is additional language to consider including in this procedure. The language in green ink was recommended by the Dean of Enrollment Management.

Date Approved:
(Replaces portions of current College of Marin Procedure 4.0003 DP.1)
76222. A log or record shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate interests therefor. The listing need not include any of the following:
   (a) Students to whom access is granted pursuant to Section 76230.
   (b) Parties to whom directory information is released pursuant to Section 76240.
   (c) Parties for whom written consent has been executed by the student pursuant to Section 76242.
   (d) Officials or employees having a legitimate educational interest pursuant to subdivision (a) of Section 76243.

    The log or record shall be open to inspection only by the student and the community college official or his or her designee responsible for the maintenance of student records, and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency as defined in Public Law 93-380, and state educational authorities as a means of auditing the operation of the system.

76232. (a) Any student may file a written request with the chief administrative officer of a community college district to correct or remove information recorded in his or her student records which the student alleges to be: (1) inaccurate; (2) an unsubstantiated personal conclusion or inference; (3) a conclusion or inference outside of the observer's area of competence; or (4) not based on the personal observation of a named person with the time and place of the observation noted.

   (b) Within 30 days of receipt of the request, the chief administrative officer, or his or her designee, shall meet with the student and the employee who recorded the information in question, if any, if the employee is presently employed by the community college district. The chief administrative officer or his or her designee shall then sustain or deny the allegations.

   If the chief administrative officer, or his or her designee, sustains any or all of the allegations, he or she shall order the correction or removal and destruction of the information.

   If the chief administrative officer, or his or her designee, denies any or all of the allegations and refuses to order the correction or removal of the information, the student, within 30 days of the refusal, may appeal the decision in writing to the governing board of the community college district.

   (c) Within 30 days of receipt of an appeal, the governing board shall, in closed session with the student and the employee who recorded the information in question, if any, and if that employee is presently employed by the community college district, determine whether to sustain or deny the allegations.

   If the governing board sustains any or all of the allegations, it shall order the chief administrative officer, or his or her designee, to immediately correct or remove and destroy the information.

   The decision of the governing board shall be final.

   Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the
governing board unless the student initiates legal proceedings relative to the disputed information within the prescribed period.

(d) If the final decision of the governing board is unfavorable to the student or if the student accepts an unfavorable decision by the chief administrative officer, the student shall have the right to submit a written statement of his or her objections to the information. This statement shall become a part of the student's record until the information objected to is corrected or removed.

Cal. Admin. Code tit. 5, s 54630

Any student may challenge the content of his or her student records pursuant to Education Code Section 76232. The decision of the chief administrative officer and governing board must be in writing.