

Policies and Procedures



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Policy

# Amending Student Records

**Adopted** March 1, 1995

**Category(ies)** [Faculty Handbook](#) Listed as 7.660 within Faculty Handbook

**Approval(s)** **The Faculty:** March 1, 1995

This policy is required by FERPA. The policy lays out the procedure to be

**Related**

- › [DTF & Committees](#) followed for the Brief Adjudicative Hearing required by the
- › [Washington Administrative Codes \(WACs\) affecting Evergreen](#) College's WAC on Brief Adjudicative Hearings.

**External Policies, Statutes and Rules**

**Basic Principles**

[Resources](#)

- › [Revised Code of Washington \(RCW\)](#)
- › [Washington Administrative Code \(WAC\)](#) The Family Educational Rights and Privacy Act (FERPA) is intended to protect the accuracy and privacy rights of a student's educational records. Federal law provides students with a right to a hearing to address *only* factual errors, misleading statements of a factual nature, or statements which violate individual privacy or other rights as related to FERPA. The FERPA process is not intended to interfere with assessments or decisions of a substantive and evaluative nature made by faculty or other professional staff.

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The process for amending student records is guided by the principles of the college Social Contract, which states, "All must share alike in prizing academic and interpersonal honesty, in responsibly obtaining and in providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration." In all areas of the college, "due process" usually begins with the party with a complaint first talking with the person with whom s/he has the complaint.

### Amending Faculty Evaluations of Students

Every quarter faculty write evaluations of students. The evaluation is a statement of the quality and quantity of student work as perceived by the faculty member based on her/his professional judgment. **A student does not have a right to a hearing with an academic dean regarding a disagreement with the faculty member's professional academic judgment about the quality of work or award of credit.**

**In matters related to faculty evaluations of students, students are expected to first talk with, or write to, the faculty member who signed the evaluation within 30 calendar days from the date the final evaluation was received by the student. (The exception to this time limit is when an evaluation is received at the end of spring quarter and either the student or faculty member will be absent from the institution during the summer, in which case the student needs to contact the faculty member within 30 calendar days from the date classes begin the subsequent fall quarter.)**

The *only* exception to the requirement to contact the faculty member directly is when the case may involve issues of discrimination. In such cases, while students are still strongly encouraged to talk directly with the faculty member involved, they are not required to do so.

Students should consult the Special Assistant to the President for Civil Rights in any case

which may involve illegal discrimination, including sexual harassment, as defined by state and federal statutes.

If resolution cannot be reached with the faculty member responsible for the evaluation, then, in cases of a team-taught program, the student is expected to talk with, or write to, the faculty team for the program. The faculty team must respond to the student within 20 calendar days. If the faculty team decides not amend the evaluation as requested by the student, the team shall inform the student in writing of their decision and the student has 30 calendar days to request a hearing from an academic dean. The team or the academic deans office shall provide the student with a form to be used to request a hearing.

When an academic dean receives a request for hearing, s/he will then determine if the case is appropriate for a hearing. This will require the dean to determine: 1) that the student's request is not based merely on a disagreement with a faculty member's professional judgment; 2) that the student's basis for requesting an amendment addresses factual errors, misleading statements of a factual nature, or statements which violate individual privacy or other rights as related to FERPA; and, 3) that the request is being made on a timely basis (within 30 calendar days from the date the faculty member or the faculty team sent the student notice of their decision).

If the dean determines that the case is not appropriate for review, s/he will notify the involved parties in writing, stating the specific reasons for the determination, within 20 calendar days. Since the record would remain unchanged and no hearing would occur in this case, the student would retain the right to place a statement in his/her self-evaluation commenting on the contested information and/or stating why the student disagrees with the final decision.

If the dean determines that the case is appropriate for review, a hearing will be scheduled

within a reasonable time, not to exceed 45 calendar days. The dean will serve as the hearings officer. The dean will give the student and faculty member notice of the date, time, and place, reasonably in advance of the hearing. Minimally, the hearing will include: 1) an opportunity for the student to present her/his case, including the submittal of any supporting evidence; and, 2) an opportunity for the faculty member to submit evidence to support his/her decision. The student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney, at the hearing. Either party to the contested record must give advance notice if it is their intent to be represented by counsel at the hearing. In cases where the student exercises this option, the college will also have an attorney present.

The dean will make a timely decision based solely on the evidence presented at the hearing. This decision will include appropriate action to be taken with the evaluation, which may include amending the evaluation. The dean must write a summary of the evidence and the reasons (based solely on evidence presented at the hearing), for the final decision to the involved parties. If the faculty member responsible for the evaluation still disagrees to amending the evaluation, the dean will write and sign the amended evaluation of the student.

If the dean does not find the information in the faculty evaluation of the student to be factually inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student as related to FERPA, and the record of the student remains unchanged, the student has the right to place a statement in his/her self-evaluation commenting on the contested information and/or stating why the student disagrees with the final decisions

### Amending All Other Student Records

For student records other than faculty evaluations of students, students are expected to first talk with, or write to, the person responsible for creation of the record. The *only* exception to the requirement to contact the person directly is when the case may involve issues of discrimination. In such cases, while students are still strongly encouraged to talk directly with the staff member involved, they are not required to do so. Students should consult the Special Assistant to the President for Civil Rights in any case which may involve illegal discrimination, including sexual harassment, as defined by state and federal statutes.

If resolution cannot be reached with the person responsible for creation of the record, then the student is expected to talk with, or write to, the Vice President for Student Affairs to request a hearing. The Vice President for Student Affairs will provide the student with the appropriate form to request a hearing and the student has 30 calendar days to file the form.

When the Vice President for Student Affairs receives a request for a hearing, s/he will then determine if the case is appropriate for a hearing. This will require a determination: 1) that the student's basis for requesting an amendment addresses factual errors, misleading statements of a factual nature, or statements which violate individual, privacy or other rights as related to FERPA; and, 2) that the request is being made on a timely basis (within 30 calendar days from the date the Vice President sent the student the form for requesting a hearing).

If the Vice President for Student Affairs determines that the case is not appropriate for review under FERPA, s/he will within 20 calendar days notify the student in writing, stating the specific reasons for the determination. If the Vice President for Student Affairs determines that the case is appropriate for review, a hearing will be scheduled within a reasonable time, not to exceed 45 calendar days. The Vice President for Student Affairs will appoint an appropriate hearings officer.

The hearings officer will give the parties involved notice of the date, time, and place, reasonably in advance of the hearing. Minimally, the hearing will include: 1) an opportunity for the student to present her/his case, including the submittal of any supporting evidence; and 2) an opportunity for the originator of the record to submit evidence in support of his/her decision. The student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. In such cases the college will also have an attorney present. Both parties shall give advance notice of their intent to be represented by legal counsel.

The hearings officer will make a timely decision based solely on the evidence presented at the hearing. This decision will include appropriate action to be taken with the record, which may include amending the record. The hearings officer will write a summary of the evidence and the reasons for the final decision based on the evidence. All involved parties will receive a copy of the decision. If the decision is that the record needs to be amended, the originator of the record will amend the records as instructed by the hearings officer.

If the hearings officer does not find the information in the record of the student to be factually inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student as related to FERPA, and the record of the student remains unchanged, the student has the right to place a statement in his/her permanent record commenting on the contested information and/or stating why the student disagrees with the final decision.

