

6.2.10 Challenge of Contents of Education Records

Students who believe that their education records contain information that is inaccurate or misleading or is otherwise in violation of their privacy or other rights may discuss their concerns informally with a designated official. If the decision of that person is in agreement with the student's request, the appropriate records shall be amended and the student shall be notified in writing of the amendment(s). If the decision is not in agreement, the student shall be notified within fifteen (15) calendar days that the records will not be amended and the student shall be notified by the official of the student's right to a hearing. Student requests for a formal hearing must be made in writing within thirty (30) calendar days from the mailing of notice to the designated official who, within thirty (30) days of receipt of the written request, shall inform the student of the date, time, and place of the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the issue(s) raised. If desired, the student may be assisted or represented, at their own expense, at the hearing by one (1) or more persons of their choice, including an attorney. The hearing may be conducted by any party, including an official of the applicable KCTCS college, so long as the person does not have a direct interest in the outcome of the hearing. The hearing which will adjudicate such challenges will be held by the committee appointed by the college president/chief executive officer. The decision of the hearing panel shall be final, shall be based solely on the evidence presented at the hearing, shall be in writing, and shall summarize the evidence and state the reasons for the decision. The written report shall be mailed to the student and any concerned party within thirty (30) calendar days of the date of the hearing.

- A. If the hearing panel determines that the information at issue is inaccurate, misleading, or a violation of privacy or other rights, the student's record shall be amended in accordance with the decision and the student shall be so informed in writing.
- B. If the hearing panel decision is unsatisfactory to the student, the student may place with the education record a statement(s) commenting on the information in the record, or statement setting forth any reasons for disagreeing with the decision of the hearing panel. The statement(s) shall be placed in the education record and shall be maintained as part of the record and shall be released whenever the records in question are disclosed to an authorized party. Such rights of challenge, however, cannot be used to question substantive educational judgments which are correctly recorded (e.g., course grades with which the student disagrees).

Students who believe that the adjudications of their challenges were unfair or not in keeping with the provisions of the Act may request, in writing, assistance from the college president/chief executive officer of the applicable KCTCS college to aid them in filing a complaint with the Family Educational Rights and Privacy Act Office, Department of Education, Room 40784, Switzer Building, Washington, DC 20202.