Title:	FERPA Policy
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Office:	Student Affairs

FERPA Policy

Purpose

The acronym FERPA stands for the **Family Educational Rights and Privacy Act** (20 U.S.C. 1232g, 34CFR§99). Enacted by Congress in 1974, FERPA is sometimes referred to as the Buckley Amendment. FERPA requires faculty, staff, and administrative officers at Northshore Technical Community College (NTCC) to treat education records in a legally-specified manner, outlining procedures for providing student access to such record, procedures for maintaining the privacy of student records, and institutional penalties for violation of its stipulations.

Disclosure of Student Records

FERPA requires that a student's education records be:

1. Disclosed *only* to persons who meet the strict definition of a school official who has a legitimate educational interest in the records (or others explicitly granted access under the law). Contact the Director of Enrollment Management for a complete listing of these individuals.
2. Made available within 45 days of the student's written request for inspection and review.

A school official is defined as:

1. A person employed by the College in an administrative, supervisory, academic, research, or support staff position.
2. A student, alumnus, or other person who is serving on an official committee (e.g., disciplinary, grievance) or is assisting a school official in a task.
3. A trustee or outside contractor (e.g., health or medical professional, attorney, auditor) acting as an agent for the College.

A College official has a legal right to know if a person defined as having a legitimate educational interest is:

1. Performing a task that is specified in his/her position or related to student discipline.
2. Providing a service or benefit related to a student/a student's family, or maintaining safety and security on campus.

An example of legitimate educational interest would be an advisor who needs to review a student's education record to determine what courses have been or need to be completed; this task is related to student advising. The advisor would *not* be authorized to view education records that are not relevant to the task at hand. *Curiosity does not qualify as a legal right to know.*

Those who receive student record information may use it only for the purpose specified. If a third party discloses personally-identifiable student information in violation of FERPA, the educational agency or institution which disclosed the information to the third party is prohibited from permitting access to education records to that third party for a period of not less than five years.

Parents have the right to expect confidentiality of certain types of information about them in student records and, under certain conditions, to gain access to information in student education records. *For purposes of FERPA, the College considers all students to be independent; this limits the student education record information that may be released to parents (without the student's specific written permission) to Directory Information only*.

The law does *not require* the release of education records to any party other than the student. Additional parties to whom education records *may* be released without written permission are:

1. Officials of another educational institution in which a student intends to enroll. The student should receive notification of the disclosure, unless the student initiated it.
2. Appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health/safety of the student or others.
3. Persons specified in a lawfully-served judicial order or subpoena, provided the College makes a reasonable effort to notify the student in advance of compliance (unless in the case of grand jury or other subpoenas which prohibit notification).
4. Parents of dependent students as defined in Section 152 of the Internal Revenue Code of 1954. A student must have indicated that either parent claimed him/her as a tax dependent on an Application for Admission submitted within 12 months of the request for student information. Otherwise, the parent must provide a copy of the most recently-required Federal Income Tax Return indicating that the student in question was claimed.
5. Employees working with an application for financial aid, with schools to which a student is applying, with federal and state government agencies and officials, with accrediting agencies, and with organizations conducting studies for or on behalf of educational agencies if conducted so as not to permit the personal identification of any individual student.

Student records include any and all records, in any medium, maintained by NTCC which are directly related to a student (or are personally-identifiable records or files). Although the term "student records" and "education records" are often used interchangeably, they are distinguishable under FERPA.
The following student records are not considered education records and are *not* subject to FERPA protection:

- Employment records when the employment is not connected to student status;
- Medical and mental health records used only for the treatment of the student (protected by other laws);

- Faculty and staff personal notes or records which are shared with substitutes (memory-jogger type records);
- Alumni records which do not relate to the person as a student;
- Application records of students not admitted to the College.

Written permission must be obtained from the student before releasing an education record, unless the request for release fits certain exceptions. The section entitled *Directory Information* summarizes these exceptions.

Directory Information

One exception for which written permission from the student is not generally required is the release of directory information. Although FERPA does not require the release of directory information, an educational institution is allowed to designate certain types of information that may be released without seeking written permission from the student. Students have the right to prohibit the release of all or part of any item(s) listed as directory information. A student may restrict the release of directory information by completing a written request in the Office of Student Affairs. This request to restrict the release of information becomes a part of the student's record and remains in effect (even after graduation) until the student instructs the College, in writing, to remove the hold status on the record.

Requests for releasing any directory information should be directed to the Director of Enrollment Management to ensure that the student has not placed a hold on his/her record. If the person making the request fits the profile of those previously described who are allowed access to education records without the student's permission, the records may be released; this information can be released even when access is prohibited in writing by the student. Directory information may be provided to the requestor by mail, by telephone, or in person. Such information may be made public.

Northshore Technical Community College has chosen to designate the following items as Directory Information:

1. Name/s
2. Address(es)
3. Telephone number
4. Email Address
5. Date of birth
6. Dates of attendance
7. Degrees and dates received
8. Current schedule of classes (released to NTCC, local, state, and federal law enforcement agencies only)
9. Classification (e.g., freshman, sophomore)
10. Program and major
11. Full- and part-time status
12. Level (i.e., undergraduate)

Procedures for Challenge

Rights are granted to the student to challenge the contents of education records on the basis of possible clerical errors. Students may also question a possible violation of privacy. If the student believes that the education record is inaccurate, misleading, or in violation of privacy rights, the student may request that the record be changed. If the request for the change is denied, the student has a right to a hearing on the issue.

Possible privacy violations should be first addressed with the Director of Enrollment Management. If necessary, a hearing will be held. If the hearing does not resolve the matter, the student may then notify the FERPA Office in Washington, D.C. at:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

1-800-USA-LEARN (1-800-872-5327)

Reported and verified violations could result in the termination of NTCC's eligibility to receive funding under any applicable federal program, including the Pell Grant and Student Loan Programs. Grades earned are not covered under FERPA because the rights of challenge are not intended to allow a student to contest, for example, a grade in a course because the student *felt* that a higher grade should have been assigned.

However, FERPA does obligate faculty to honor a student's request to determine if a grade was recorded in error.

Frequently-Asked Questions

1. **Can a professor obtain a copy of a student's records without the student's written permission?**
   A school official (which includes professors) may obtain a copy of a student's records without the consent of the student only when the school official has a legitimate educational interest (or a legal right to know).
2. **If a faculty/staff member has access to computerized education records, is the person authorized to view all of the available records?**
   No. A school official should access a student's education record only if a legitimate educational interest exists with respect to that particular student and that particular record. The confidentiality provisions of FERPA still apply.
3. **Can the media ask for information about a well-known person who was once a NTCC student?**

Education records are protected by FERPA for former and current students. Thus, education record information about a former student cannot be released without the written permission of the student. Directory information can be released as long as no hold has been placed on the directory information (see *Directory Information* section). Alumni records which do not relate to the person as a student may also be released.

4. **Do any special rules apply to transcripts or Social Security Numbers?**
   Yes. The Director of Enrollment Management is the only person authorized to issue transcripts. An official transcript is issued only when requested by the student in writing. Social Security Numbers are personally identifiable and are considered non-releasable, private information; they are treated as education records.
5. **What rights does FERPA give to students?**
   FERPA grants students the right to inspect and review their student records, except for those portions of the records that are not considered education records. Therefore, a student could not review (a) portions of a record containing information about students other than the requesting student; (b) medical or mental health records; or (c) records connected with an application to attend NTCC or a component unit of NTCC if the application is denied.
6. **What limits apply to the disclosure of information from a student's education record to a third party?**
   Records may be disclosed to a third party only if the student has given written permission for the additional disclosure, or if a legitimate educational interest has been articulated for disclosure to the third party and noted in the record. This limitation does not apply to directory information.
7. **Can a student request a copy of his/her education records by fax?**
   The NTCC policy is to grant a student inspection of records only upon written request, which must be provided by the student to the Director of Enrollment Management:
   > (a) in person [picture ID required], (b) by mail, or (c) by fax. Students may provide written authorization for a copy of their education records to be provided to a third party [e.g., attorney, employer].
8. **How are requests for the education records of deceased students handled?**
   NTCC's policy does not allow for the release of a deceased student's records. Written requests for exceptions must be submitted to the Director of Enrollment Management.
9. **May faculty/staff members transmit grades electronically (e-mail) at the student's verbal or written request?**
   The transmission of grades electronically (email) to any party, including the respective student, is strictly prohibited, even at the student's verbal or written request. Such transmissions could result in a privacy violation because they may not be secure and could be retrieved by an unauthorized party.
10. **What are the consequences for a violation of FERPA?**
    A report and verification of a FERPA violation by a faculty or staff member could result in the termination of NTCC's eligibility to receive funding under any applicable federal program, including the Pell Grant and Student Loan Programs.

FERPA Tips

- ✓ ***DO*** review a copy of the NTCC student records policies found in the current issue of the College Catalog regarding requests for education records.
- ✓ ***DO*** refer all subpoenas, IRS summons or other legal requests for student education records to the Director of Enrollment Management.
- ✓ ***DO*** obtain written permission from the student before sharing education record information, including grades and grade-point averages, with parents or others outside the institution.
- ✓ ***DO*** follow the confidentiality provisions of FERPA by not sharing education record information with your colleagues unless a legitimate educational interest exists.
- ✓ ***DO*** keep only those student records that are necessary for the fulfillment of your teaching or advising responsibilities. If these records are kept in your file for your own use and are not shared with anyone else (other than a substitute), they are not considered education records and will not be subject to the release provisions of FERPA.
- ✓ ***DO*** remember that medical, mental health, and law enforcement records should not be put in the student's file with the student's education records.
- ✓ ***DO*** remember that the written release of grades by electronic mail (email), even at the student's verbal or written request, is prohibited because such transmissions may not be secure and may be retrieved by another party, resulting in a privacy violation.
- ✓ ***DO*** remember that a violation of FERPA by a faculty or staff member could result in the termination of eligibility to receive funding under any applicable federal program, including the Pell Grant and Student Loan Programs.
- ✓ ***DO*** change factual information regarding grades and performance in an education record when the student is able to provide valid documentation that information is inaccurate or misleading. The substantive judgement of a faculty member regarding a student's work (expressed in grades and/or evaluation) is *not* within the purview of FERPA; the Act does not give students the right to challenge their education records in this regard.
- ✓ ***DO*** refer requests for information regarding a student's education record to the Director of Enrollment Management.
- ✓ ***DO*** err on the side of caution! When in doubt, contact the Director of Enrollment Management before releasing any student information.
- ▪ ***DO NOT*** release directory information about a student without checking with the Director of Enrollment Management to determine whether the information has been flagged for non-release.
- ▪ ***DO NOT*** request information from NTCC Records Staff or access the student's file by computer unless you have a legitimate educational interest and are qualified and authorized to access the information by your department head and/or supervisor.
- ▪ ***DO NOT*** make purely personal notes (e.g., notes from a committee meeting recommending a student for a particular program) in the student's file, as they will become accessible to the student. Such records can be kept confidential only if they are kept in the sole possession of the maker and are not accessible or revealed to any other person. Official committee minutes are likely to be considered accessible.
- ▪ ***DO NOT*** put papers, graded exam books, or lab reports containing student names and grades in publicly-accessible places. Students should not have access to the scores and grades of others in the class in ways that allow the other students to be identified.

- ***DO NOT*** display student grades or scores publicly in association with names, Social Security Numbers, or other personal identifiers. If scores are posted, use either the last 4-5 digits of the Social Security Number or an agreed-upon code known only to you and the student. Under no circumstances should the list of scores be posted in alphabetic sequence by student name.
- ***DO NOT*** share information from a student's education records (including grades, grade-point averages, and letters of recommendation) with parents or others outside the institution without written permission from the student.

Questions regarding FERPA or this document should be directed to the Director of Enrollment Management.

Review Process:

X	Reviewing Entity	Review Date	Effective Date
X	NTCC Chancellor/Appointing Authority	7/20/2016	7/20/2016
X	College Leadership Committee	7/20/2016	7/20/2016
X	Enrollment Services and Student Affairs Committee	7/20/2016	7/20/2016

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