



SECTION 1: WHAT IS FERPA?

What is FERPA?

- A federal law, which states that colleges and universities will maintain the confidentiality of student education records.
- Applies to all educational agencies or colleges that receive funds under any program administered by the US Secretary of Education.

What are the STUDENTS rights under FERPA?

1. The right to inspect and review the education records.
2. The right to seek to have the records amended.
3. The right to have some control over the disclosure of information from the records.

Compliance Requirements

Student [FERPA rights](#) are posted annually at www.slcc.edu and also in the catalog under *College Policies* under *Academic Policies and Procedures*. If students believe that such rights have been violated, they may contact the Family Policy Compliance Office at the Department of Education, 400 Maryland Ave SW, Washington DC 2002-4605. Additional information is available at www.ed.gov/policy/gen/guid/fpco.

Go to www.ed.gov/policy/gen/guid/fpco to learn more.

What are educational records? Education records are directly related to a student or students and are maintained by a college or its agents. These records may be maintained in any medium including: hardcopy files, emails, electronic records, microfilm, etc.

What does “PERSONALLY IDENTIFIED” mean?

Personally Identified refers to any data or information that **may** be used to identify an individual student such as:

- Any name referring to the student or their family members.
- The student’s campus addresses, home address, email address, etc.
- A personal identification number such as a Social Security Number or student identification number
- A list of personal characteristics or other information which would make the student’s identity known with “reasonable certainty”.

Educational records do not include:

- Records created and maintained by staff and faculty, which are in the sole possession of the maker, and are not accessible or revealed to any other individual. Emails can never be sole possession notes.
- Records maintained by a law enforcement unit (campus police) that were created for the purpose of law enforcement.
- Records relating to individuals who are employed by SLCC which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available to use for any other purpose.
- Medical records made and maintained in the course of treatment and disclosed only to those individuals providing treatment.
- Alumni Records

Does FERPA apply to everyone?

- FERPA applies to the education records of students who are or have been enrolled, regardless of the person's age.
- Education records are records which contain information directly related to a student and are maintained by an educational agency or college or by a party acting for the agency or college.
- FERPA does not apply to records of applicants for admission who are denied acceptance or if accepted and do not attend.
- The disposition of records held by a college pertaining to a deceased individual is not a FERPA issue but a matter of college policy. Since FERPA would no longer apply, the college may exercise its own discretion.



SECTION 2: DIRECTORY INFORMATION

Do students have a right to see and change their educational records? Upon written request, the college shall provide a student access to his or her educational records. If the records contain information on more than one student, the requesting student may inspect, review, or be informed on only the specific information about his or her own records. Educational records covered by FERPA normally will be made available within forty-five days of the request. The contents of a student's educational records may be challenged by the student on the grounds that they are inaccurate, or otherwise in violation of the privacy rights of the student by submitting a written statement to the custodian of records. The Registrar is the official custodian of records at SLCC.

What is directory information? FERPA identifies certain information, called directory information that **may** be disclosed without the student's permission. SLCC will not release Personally Identifiable information or records relating to a student to any individual, agency or organization without the written consent of the student as described in FERPA regulations, except directory information, which **may** be released upon request unless the student specifically withholds permission to do so. Although directory information may be released, the Office of the Registrar and Academic Records strongly recommends that no information is released without student consent.

SLCC has designated the following information as directory information:

1. Student's Name
2. Address*
3. Telephone number*
4. Date of birth
5. Major field of study
6. Dates of attendance
7. Enrollment Status
8. Degrees and awards received
9. Most recent previous educational agency/college
10. Participation in recognized activities/sports
11. E-mail address
12. Student Photograph

***SLCC employees are advised not to release address and telephone information.**

Can directory information be blocked? A student may prevent directory information from being disclosed by completing a [Request to Prevent Disclosure of Directory Information](#) form and submit it in person to the Office of the Registrar and Academic Records. (The Disclosure Form Agreement remains so until revoked by the student.)



SECTION 3: ACCESSING EDUCATION RECORDS

Who has access to student educational records? According to FERPA, non-directory information may not be released without prior written consent from the student.

Exceptions include:

- Access by appropriate college administrators, faculty members, or staff members who require access to educational records in order to perform their legitimate educational duties.
- Officials of other schools in which the student seeks or intends to enroll; and in connection with a student's application for, or receipt of, financial aid.
- Accrediting organizations.
- Appropriate parties in connection with financial aid to a student to determine eligibility, amount or conditions of financial aid, or to enforce the terms and conditions of aid.
- Certain government officials of the U.S. Department of Education and state and local educational authorities, in connection with an audit, authorized representatives of the U.S. Attorney General for law enforcement purposes or state or federally supported education programs.
- Individuals who have obtained a judicial order or subpoena.
- School officials who have a need to know concerning disciplinary action taken against a student.
- Appropriate parties who need to know in cases of health and safety emergencies when necessary to protect the health and safety of the student and/or others.
- State and local authorities, within the juvenile justice system, pursuant to specific state law.
- Alleged victim of a crime of violence, which are the results of a disciplinary proceeding with respect to that crime. Limited information regarding any violation of college policy or state, federal or local law, governing the use or possession of alcohol or a controlled substance.

What constitutes "legitimate educational interest?"

Legitimate educational interest is access to educational records by appropriate college administrators, faculty members, staff members, appropriate administrators or contractors acting on behalf of the college, who require such access in order to perform their legitimate educational and business duties, when such records are needed in furtherance of the educational or business purposes of the student or college.

Legitimate educational interest is limited. While a person may have a need to access education records for students within the college; college officials do not necessarily have a similar need to view records of students. In other words, access to information does not authorize unrestricted use.

Consult with the Office of the Registrar and Academic Records if you have any question about whether a legitimate educational interest exists in connection with a request for student data.



SECTION 4: DISCLOSING NON-DIRECTORY INFORMATION

Releasing Non-Directory Information in an Emergency Situation

Non-directory and personally identifiable information from education records may be released "to comply with a judicial order or lawfully issued subpoena" provided that the "college makes a reasonable effort to notify the student of the order or subpoena in advance of compliance." All subpoenas are to be sent to the Office of Risk Management.

If non-directory information is needed to resolve a crisis or emergency situation, an education college **may** release that information if the college determines that the information is necessary to protect the health or safety of the student or other individuals. This includes releasing information to school officials at another college. A record must be made of the disclosure. These requests should be directed to the Office of Risk Management and the Office of the Registrar and Academic Records. For life-threatening emergencies, the Dean of Students (student life-threatening emergencies) and Risk Management Office (staff and student life-threatening emergencies) should be notified immediately.

Factors to be considered or questions to be asked in making a decision to release such information in these situations are:

- (1) The severity of the threat to the health or safety of those involved.
- (2) The need for the information.
- (3) The time required to deal with the emergency.
- (4) The ability of the parties to whom the information is to be given to deal with the emergency.

What Rights do Parents Have under FERPA? (Beyond K-12 Education)

- **FERPA gives certain rights to parents regarding their children's educational records. Rights transfer to the student:**
 - When a person is enrolled in any school beyond K-12, no matter what the age of the student is.
 - When a person is concurrently enrolled in college and high school.
- **When may a parent access a student's educational records?**
 - Parents may obtain non-directory at the discretion of the college, after it has been determined that their child is legally their dependent as determined by the internal revenue code (tax code).
 - Parents may obtain non-directory information by obtaining a signed consent from their child.*
 - Parents may obtain education records in a health or safety emergency.

*A student must complete a [Student Consent for Release of Records](#) form, in order for academic information to be released. The form is available on the Office of the Registrar and Academic Records Webpage under forms.



SECTION 5: FACULTY & STAFF INFORMATION:

What can happen if we fail to Follow FERPA Regulation? The penalty for noncompliance with the Federal regulations can be the withdrawal of Department of Education funds from the college. The Risk Management Office and the college Registrar are responsible for compliance with FERPA. Responsibility for administering the Act has been assigned to the Family Policy Compliance Office within the Department of Education. This office reviews and investigates complaints and attempts to bring about compliance through voluntary means.

Other Important Things to Remember

- When releasing student information, check a person's official government issued picture identification or SLCC school ID.
- Before you release any information on the student, always confirm that the student has authorized the disclosure of information.
- Discussing a student's record with any person, who does not have legitimate education interest, is a violation of FERPA. This pertains to conversations on and off the job.
- Removing any document(s) from the office for non-business purposes is a violation of FERPA.
- Releasing confidential student information (non-directory) to another student, college organization, or any person who does not have legitimate educational interest, or to the parents of a dependent student without the student's written authorization is in violation of FERPA.
- Student ID numbers should never be put in the subject line of an email.
- Sole possession records are records that are kept in the sole possession of the maker and are not accessible or revealed to any other person.
- Leaving reports or computer screens containing confidential information in view of others who do not have a legitimate educational interest in the data or leaving your computer unattended while connected to BANNER is in violation of FERPA.
- Making personal use of student information is in violation of FERPA.
- Allowing another person to use your computer access code is in violation of FERPA.
- Putting paperwork in the trash with a student's information (i.e., social security number or grades) is also in violation of FERPA. You must shred all paperwork with this type of information.
- In addition to the possibility of personal litigation, proven FERPA violations may result in loss of federal funds to SLCC.
- Violation of confidentiality and security may lead to appropriate personnel action.
- When using a smart device to send/receive email, manage course sites, input grades etc., the [College Policies and Guidelines](#) listed on the Information Security Office (OIT) web page must be followed. The following measures to safeguard information should be implemented: set a passcode, set an inactivity timeout, encrypt data storage, automatic data wiping, remote data wiping and prevent modifying or disabling security safeguards.

Additional FACULTY Information

To avoid violations of FERPA:

- Do not, at any time, use any portion of the Student Number or Social Security Number of a student in a public posting of grades.
- Do not link the name of a student and their Student Number in any public manner.
- Do not leave graded tests in a stack for students to sort through and pick up.
- Do not circulate a printed attendance roster (which includes student numbers or grades).
- Do not discuss the progress of any student with anyone other than the student (including parents) without the consent of the student.
- Do not provide lists of students enrolled in your classes for any commercial purpose.
- Do not provide student schedules for anyone.
- Do not provide student information to anyone, other than SLCC employees with legitimate educational interest.

When in Doubt, Don't give it out!

If you have any additional questions or concerns, please contact the Office of the Registrar and Academic Records or the Office of Risk Management.