

FERPA: What faculty and staff members need to know

THE COMPLETE STC REGULATIONS GOVERNING ACCESS TO STUDENT RECORDS CAN BE FOUND IN THE STC CATALOG AND STUDENT HANDBOOK.

It's the Law

FERPA (Family Education Rights and Privacy Act), also known as the Buckley Amendment, was passed by Congress in 1974. It grants four specific rights to a post-secondary student:

- The right to inspect and review their own education records
- The right to request to amend their education records
- The right to limit the disclosure of personally identifiable information known as *directory information*
- The right to file a complaint with the Department of Education

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-5920**

FERPA applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education. (Most financial aid is administered by the Secretary of Education.)

It's Your Responsibility

As a faculty or staff member, you have a legal responsibility under FERPA to protect the confidentiality of student records in your possession.

- You have access to student information only for legitimate use in the completion of your responsibilities as a college employee. Need-to-know is the basic principle.
- Student education records (other than non-suppressed directory information) are considered confidential and may not be released without written consent of the student.
- Student information stored in electronic format must be secure and available only to those entitled to access the information.
- Your access to student information, including directory information, is based on your faculty or staff role within the college. You may not release lists or files with student information to any third party outside your college or department unit.

DO NOT!

- Use the Social Security Number or any portion of the SSN or Student ID number of a student in a public posting of grades or any other information
- Leave grades tests, papers, or other student materials for student to pick up in a stack that requires sorting through the papers of all students.
- Discuss the progress of any student with anyone other than the student (Including parents) without the signed, dated and written consent of the student
- Provide anyone with lists or files of students enrolled in your classes
- Provide anyone with student schedules or assist anyone in finding a student on campus
- Access the records of any student for personal reasons
- Access the records of any student for any reason other than to perform your job duties.

Student Information Types

Student educational records include information provided by a student for use in the education process such as the following:

- Personal information (name, etc.)
- Enrollment records
- Student's exams or papers
- Grades

Storage media for an education record may vary and can include one or more of the following:

- Document in the registrar's office
- Electronic document or e-mail
- Computer printout in your office
- Class list on your desktop

Directory/Public Information

"Directory information is information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed." (FERPA Regulations, Code of Federal Regulations, Title 34, Part 99.2)

Directory Information can NEVER include:

- Social Security number
- Student identification number
- Race
- Ethnicity
- Nationality
- Gender
- GPA
- Religion

Directory/Public Information is considered public and can be released without the student's written permission. However, the student may opt to keep this information confidential.

Directory information at Southeastern Technical College:

- Full name of student
- Campus Address
- County of residence
- E-mail address
- Major field(s) of study
- Degree and awards received
- Date of attendance
- Enrollment status (i.e. full or part-time)
- Name of institution last attended
- Participation in official sports and activities **or** height and weight of athletic team members
- Photographs
- State of residence
- Marital Status

Read the Catalog and Student Handbook

As an employee of Southeastern Technical College, you are required to read and understand the section of information in the catalog and student handbook regarding student records. Contact the office of the Registrar if you have any questions or need clarification.

Amendment of Education Records

Under FERPA, a school must:

Offer the student a hearing on the matter if it decides not to amend the records in accordance with the request;

A school is not required to consider requests for amendment under FERPA that:

- Seek to change a grade of disciplinary decision;
- Seek to change the opinions or reflections of a school official or other person reflected in an education records.

Annual Notification

A school must annually notify students in attendance that they may:

- Inspect and review their education records
- Seek amendment of inaccurate or misleading information in their education records;
- Limit the disclosure of personally identifiable information known as directory information

Disclosure of Education Records

A school **MAY** disclose education records without consent when the disclosure is:

- For information requested that has been designated as directory information by the school
- To federal, state and local authorities involving an audit or evaluation of compliance with educational programs
- To school officials with a legitimate education interest
- In connection with determining financial aid benefits
- To comply with a lawfully issued court order or subpoena
- To accrediting organizations
- In a health or safety emergency
- To organizations conducting research for or on behalf of the school
- To an alleged victim of a crime of violence in regard to the results of a disciplinary hearing

Means of Notification:

- Can include school newspaper, handbook or catalog, e-mail, student registration packets, or other means reasonably likely to inform student.
- Notification does not have to be made individually to students.

Deceased Students

Deceased students are not covered under FERPA; however it is the college's policy to release educational records of deceased students, unless required to do so by law or authorized to do so by (1) the executor of the deceased's estate; or (2) the deceased student's spouse, parents or children. The college may request proof of death

Can student directory or public information always be released? NO! Before releasing any information about a student, check BANNR reports for a student's suppression status. If the student has requested that directory information be withheld (suppressed his/her information), no information can be released. If the student does not have suppression on the release of directory information, directory/public information may be released. Note that FERPA does NOT require that directory information be released. College faculty and staff who have a need-to-know may obtain directory information for a student who has suppressed his/her information, but must not release this information.
How can a student withhold release of directory information? Students may request suppression of their information by notifying the Office of the Registrar.
What are parental rights under FERPA? FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."
What must I do if I receive a subpoena concerning student educational records? Contact the office of the Registrar
What must I do if someone contacts me about an emergency? If someone needs to contact a student regarding an emergency, DO NOT release the class schedule of a student. Take the contact information of the classer and contact the Registrar's Office and we will contact the student to give him or her the caller's information.
How are HIPAA and FERPA related? Medical documentation in the student education record is private information and is covered by FERPA. HIPAA (Health Insurance Portability and Accountability Act) regulations do not apply.
For more Information..... Contact the Office of the Registrar. Additional information is available from TCSG, at http://www.dtae.org/dtaepolicy/menu.html (V. Student Affairs, J. Student Records) or http://www.ed.gov (keyword "FERPA")

All new STC employees need to complete FERPA training. This training can be found on the STC Intranet