

LEARNER LIFE

FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)

The Family Education Rights and Privacy Act of 1974 (FERPA), is a federal law that protects the privacy of learner education records. Learners have specific, protected rights pertaining to the release of such records, and FERPA requires that institutions adhere strictly to these guidelines.

Under FERPA, learners have the right to know about the purpose, content, and location of information kept as part of their educational records. They also have the right to expect that information in their educational records will be kept confidential unless they give permission to the school to disclose such information.

Educational records are defined as records that directly relate to a learner and are maintained by an educational agency or institution or by a third party acting on behalf of that institution. Such records may include written documents (including advising folders), computer media, video or audio tapes, CDs, film, photographs, or any other record that contains personally identifiable information that is directly related to the learner such as learner files, learner system databases, and learner projects.

Records not considered educational records under FERPA are private notes of individual staff or faculty (not kept in advising folders), police records, medical records, statistical data compilations that contain no personally identifiable information, and administrative records kept exclusively by the maker of the records that are not accessible or revealed to anyone else.

Directory Information

Some information in a learner's educational record is defined as directory information under FERPA. Directory information may include a learner's name, address, phone number, email address, dates of attendance, degree awarded, enrollment status, and major field of study. The College may disclose this type of information without the written consent of the learner. However, the learner may make a formal written request to restrict the release of directory information. Learners may withhold directory information by notifying the Registrar in writing within two (2) weeks after the first day of enrollment. Requests for nondisclosure of directory information will be honored by the College for one (1) year; therefore, requests must be filed annually with the Registrar.

Non-Directory Information

Non-directory information will not be released to anyone, including parents of the learner, without the prior written consent of the learner. Faculty and staff can access non-directory information only if they have a legitimate academic need to do so. Non-directory information may include social security numbers, learner identification numbers, race, ethnicity, nationality, gender, transcripts, and grade reports.

Prior Written Consent

Prior written consent is required before the College may disclose any non-directory information.

Prior written consent is not required when the disclosure is made directly to the learner or to other school officials within the same institution when there is a legitimate educational reason. A legitimate educational reason may include enrollment or transfer matters, financial aid issues, information requested by governmental or accrediting agencies, and third-party financial aid processors.

Prior written consent is not required to disclose non-directory information when the health and safety of learners are in jeopardy, when complying with a judicial order or subpoena, or where, as a result of a crime of violence, a disciplinary hearing is conducted by the College, a final decision was recorded, and the alleged victim seeks disclosure.

FERPA also affords learners certain rights to their education records. These rights include:

- the right to inspect and review learners' education records within forty-five (45) days of the date the College receives the request;
- the right to request amendments to learners' education records that the learner believes are inaccurate;
- the right to consent to disclosures of personally identifiable information contained in learners' education records, except to the extent that FERPA authorizes disclosure without consent;
- the right to prevent disclosure of directory information;
- the right to be reminded annually about their rights under FERPA; and
- the right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA.

For more information or complaints, learners may contact:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW
Washington, DC 20202-5901