

# Appendix 7: Family Education Rights and Privacy Act (FERPA)

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# A. Guidelines

## 1. Definitions

- a) **Student** - includes any individual with respect to whom Nashville State Community College maintains educational records.
- b) **Educational Record** - those personally identifiable records which are directly related to a student and are maintained by Nashville State Community College. This includes any information or data recorded in any medium (e.g. hand-writing, print, tapes, film, microfilm, microfiche). Excluded from this definition of a student record are records of individual institute personnel, law enforcement records as maintained by the Office of Safety and Security, psychological records as maintained by Counseling Center, employment records as maintained by the Personnel Office, and Institute units which employ students (provided such records are used solely for employment purposes), parents' financial information including statements submitted in connection with scholarship applications and those records containing information obtained after the student is no longer enrolled, such as post transfer or alumni records.
- c) **Dependency** - any student who has attained eighteen years of age, or is attending an institution of post-secondary education shall be declared non-dependent unless the institute receives proper certification by the parent or guardian. Form: Student Request to Inspect and Review Education Records
- d) **Personally Identifiable Information** - any information which can easily be traced to students. The data includes: name of student, student's parent, or other family member, address, social security number, student I.D. number, or other information which would make it possible to identify the student within reasonable certainty.
- e) **Disclosure** - permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.
- f) **School Officials** - those members of an institution who act in the students' educational interest with the limitations of their need to know; which may include faculty, administration, clerical, and other persons who manage student records information.

## 2. Students Right to Review and Inspect Education Records

- a) A student shall be permitted to inspect and review his/her education record within forty-five days following the date on which he/she notifies the College that he/she

desires disclosure. Form: Student Request To Inspect and Review Education Records

- b) A student shall be provided with a copy of any part or all of his/her education record at his/her request but may be charged an amount not to exceed the College's cost of producing the copy as a condition to receiving it.
- c) Reasonable requests by a student for an explanation or interpretation of education records shall be granted.
- d) An official from the Office of the Registrar shall be present whenever education records are inspected or reviewed.
- e) A student shall be entitled to challenge the content of his/her education records. Should the student feel a violation of the Buckley Amendment has taken place, the Vice President of Academic Affairs or designee should be notified in writing of such charges.
- f) If Nashville State Community College decides that information in a student's education record is inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, it shall amend the education records and inform eligible student or parent of the student in writing. Regardless of the decision, the student should be informed of his/her right to place a statement in the file commenting on the information in the file and setting forth any reasons for disagreeing with the decision.

*NOTE:* Applicants who were not admitted as a student have no right of access to their educational records and applications maintained by this College.

- g) Conduct of the Hearing
  - i. A challenge by a student of his/her education record shall be submitted in writing by the student to the College's Records Office. Form: Student Request for Formal Hearing  
*NOTE:* The procedure for accessing and challenging does not provide for a hearing to contest an academic grade.
  - ii. The written challenge shall specify as briefly and precisely as possible the nature of the claimed inaccuracy or other defect in the education record and the remedial action sought.
  - iii. The challenge shall be signed by the student.
  - iv. The Registrar shall mark the date of submission on the front page of the challenge. The written challenge shall be forwarded to the Vice President of Academic Affairs or designee.
  - v. Within ten days after receipt of the challenge, the Vice President of Academic Affairs or designee shall notify the student in writing of the time and place of the hearing. The hearing will be conducted no later than 30 days from the date on which notification is given or mailed to the student at a date convenient to the eligible student or parent of the student. The

hearing will be conducted by a College hearing officer who does not have a direct interest in the outcome of the hearing.

- vi. The student shall be permitted to offer evidence in support of his/her choice at the student's expense, including an attorney. The hearing officer may require that voluminous material be summarized if he/she deems such action appropriate.
- vii. The hearing officer may request the presence at the hearing of witnesses in addition to those called by the student. In reaching a decision, the hearing officer may consider the testimony of witnesses and all other evidence available to him/her. The student shall be made aware of and have an opportunity to rebut any evidence considered by the hearing officer which would serve to disprove the student's challenge.
- viii. Within 30 days of the conclusion of the hearing, the hearing officer shall notify the student in writing of the decision reached.
- ix. A record of the hearing shall be maintained in the Vice President of Academic Affairs or designee's office which notes all particulars of the challenge including date received, date of hearing, name of hearing examiner, names of witnesses, decision reached, and date on which notification of decision was sent. The record shall include a copy of the challenge, the decision, and any written or other tangible evidence submitted.

## **C. Limitations on Right to Inspect and Review Education Records**

- 1) A student shall be denied disclosure to parents' financial records.
- 2) A student shall be denied disclosure to confidential letters and statements of recommendation which were placed in the College's records prior to January 1, 1975.
- 3) A student shall be denied disclosure to confidential recommendations respecting his/her admission to the College, application for employment, or receipt of an honorary recognition if he/she signed a waiver of disclosure rights. Form: Waiver of Right to Inspect Confidential Records
  - a) The College shall not require any student to waive disclosure rights.
  - b) A party from which a recommendation is sought may require such a waiver.
  - c) A student who has signed a waiver shall be notified by the College of the names of parties providing confidential recommendations.
  - d) Confidential recommendations and letters shall be used only for the purpose for which they were solicited.

- 4) A student shall not be permitted to inspect education records which personally identify other students even if he/she also is personally identified. In such a case he/she may only view the portion of the record pertaining to himself/herself.

## D. Disclosure of Education Records to Third Parties

- 1) Directory information, such as that contained in the campus telephone book and sports brochures, shall be disclosed to third parties without first obtaining the written consent of the student. (Directory information includes a student's name, address, telephone listing, birthplace and date, major fields of study, participation in officially recognized activities and sports, weight and height, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student). However, a public notice of the categories of information to be contained in such a directory shall be given, and a period of two weeks shall be provided during which a student may request the College not to disclose any or all such information about him/her. This notification is effective only for the one term for which the student is then registering. Form: Request to Prevent Disclosure of Directory Information
- 2) Information contained in education records shall be disclosed without a student's consent to third parties engaged in the validation, development or administration of tests, accreditation activities, or research conducted on behalf of the College provided such information is not revealed to any other parties.
- 3) Education records shall be disclosed, without notifying or obtaining the consent of a student, to:
  - a) *Administrative and instructional personnel who have a legitimate educational interest.* Legitimate educational interest shall mean that administrative or instructional personnel may review and inspect education records for evaluation, identification, and informational purposes in order to obtain data which will assist the teach or administrator in serving the needs of the student and/or College.
  - b) *Authorized Federal and State Government Officials.* Specific request for access by government officials shall be brought to the attention of the Director of Admissions as soon as possible after receipt of such request and prior to the release of education records.
  - c) *Another college or university in which a student seeks to enroll.* The student shall be provided with written notification of such disclosure. Form: Notice of Submission of Academic Information
  - d) *A court through judicial order or subpoena.* Disclosure shall be made only after written notification of such order is provided the student. The Vice President of Academic Affairs or designee shall be notified as soon as such an order or subpoena is received and prior to disclosure of education records.

- e) Education records disclosed to third parties in emergency situations shall be brought to the attention of the Vice President of Academic Affairs or designee prior to the disclosure of any records.
  - f) Education records shall be disclosed to a third party without the student's consent in connection with a student's application for, or receipt of financial aid, *but* the student shall be *notified* in writing of the records sent.
- 4) Education records may be released by the College to any third parties including a parent with the written consent of the student.
- a) Written consent of the student shall be signed and dated and shall specify: 1) Records to be disclosed, 2) Reasons for disclosure, 3) To whom the records are to be disclosed. Forms: Nashville State Transcript Request, Placement and Cooperative Education Authorization to Release Transcript and Placement Credentials, Cooperative Education Authorization to Release Information
  - b) A record shall be maintained by the College which:
    - i) Indicates all parties which have obtained or requested disclosure to a student's education records.
    - ii) Indicates the legitimate interest each party receiving disclosure has in receiving such disclosure.
    - iii) Is kept with the student's records and available only for inspection by him/her and College personnel in charge of the particular records concerned. Form: Record of Request and Grants of Disclosure of Education Records
- 5) Whenever records are disclosed to any third party, a written statement shall accompany the records disclosed stating that the disclosure is conditionally upon the third party not permitting any other party to have access to the records without the student's written consent. Forms: Placement Office Third Party Disclosure Statement, Cooperative Education Third Party Disclosure Statement

## E. Destruction of Education Records

All or part of a student's education records may at any time be removed from a file and destroyed by College personnel authorized to perform such acts. However, once a student requests disclosure of his/her records such removal and destruction may not occur until disclosure has been granted.

## **F. Student Complaints**

Students Have The Right To File A Complaint Concerning Alleged Failure By The College To Comply With The Act. Written complaints should be directed to: Family Educational Rights and Privacy Office (FERPA), Department of Health, Education and Welfare, 330 Independence Avenue SW, Washington, DC 20201.

## **G. Custodians of Education Records**

The Registrar has been designated by Nashville State to coordinate the inspection and review procedures for education records. In certain instances, copies of education records are forwarded from the Office of Admissions to school officials who have a need for this information to enable them to perform their duties acting in the student's educational interest. Other situations occur whereby, due to the nature and duties of an office, certain educational records are established and maintained within that office, i.e., Student Development, Placement, Cooperative Education, Student Support Services, Academic Development, etc. When an office or individual establishes educational records, receives copies of educational records, and/or has accessibility to computerized student records, each office or individual is responsible for coordinating security of such records as well as, when applicable, approved retention and destruction of such records.

## **H. Copies of Student Records**

Student records are maintained for academic purposes. The materials therein allow the college to validate a student's academic performance. Non-college personnel must have the student's written permission to review a student record. With the student's permission, copies of student records are available at \$1.00 for the first page and \$0.50 for each additional page.

## Educational Records at Nashville State Community College

Type of Education Record	Information in Record	Persons with Access	Custodian Who Reviews/Expunges Record
Academic Record	Courses, grades, degrees, entrance examination scores	Faculty/staff with official need	Registrar
Locator Print-Out	Personal address, telephone number, class schedule	Faculty/staff with official need	Registrar
"Hold Lists"	Information concerning non-release of records	Faculty/staff with official need	Registrar
Withdrawal Records	Demographic; reason for withdrawal	Faculty/staff with official need	Registrar
Student Folder	Application for admission, receipt for admission fee, high school transcript, previous college transcript, general correspondence, ACT & GED scores	Faculty/staff with official need	Registrar
Teacher Reports of Incomplete, Change of Grade Forms	Grades for particular courses	Faculty/staff with official need	Registrar



Grade Sheets	Students in each class and final grade	Faculty/staff with official need	Registrar
Change of Major Forms	Major change, advisor's name	Faculty/staff with official need	Registrar
Veteran's Administration Files	Enrollment data, dates of attendance	Staff with official needs	Registrar
Change of Name, Address, Telephone Number Form	Name, address, telephone changes and reasons	Faculty/staff with official need	Registrar
Transcripts from Previous Institutions	Courses and grades	Faculty/staff with official need	Registrar
Test Scores (ACT, GED, AAPP)	Scores on tests required for admission	Faculty/staff with official need	Director of Admissions
Application for Admission	Demographic	Faculty/staff with official need	Director of Admissions
Residency	Residency classification and information	Faculty/staff with official need	Director of Admissions
Financial Statement (Foreign)	Information concerning student's finances	Faculty/staff with official need	Director of Admissions
Education Experiences Form (Foreign)	Student's previous schooling	Faculty/staff with official need	Director of Admissions

Form I-20 (Foreign)	Eligibility certificates for foreign students	Faculty/staff with official need	Director of Admissions
Resumes and References	Personal data; personal recommendations	Faculty/staff with official need	Director of Placement
Discipline	Violations and penalties	Personnel in Student Development Office	Assistant to Vice President
Counseling Record	Demographic and counseling summary	Individual Student	Assistant to Vice President
Payrolls	Payments, withholdings	Payroll clerks, office supervisors	Business Manager
Financial Aid	Student Financial Aid files, parent, and/or student financial statements, scholarship records	Personnel in Office of Financial Aid	Director of Financial Aid
Student Receivables	Amounts due from students for various reasons, i.e., parking violations, fee errors	Business Office Staff	Business Manager
Dishonored Checks	Amounts of checks, correspondence, etc.	Business Office Staff	Business Manager

Student Deposits	Deposit amounts, date deposited, purpose, etc.	Business Office Staff	Business Manager
Student Registration Records (Payments)	Fees paid, type, etc.	Business Office Staff	Business Manager
Payroll	Number of hours and rate of pay	Business Office Staff, Personnel Office Staff	Business Manager, Director of Personnel Services