

STUDENT RECORDS POLICY (FERPA)

The Family Educational Rights and Privacy Act (FERPA) of 1974 is a federal law that was enacted to protect the privacy of students and their educational records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of "educational information."

The Act provides for the right of eligible students:

- inspect and review their educational records
- request an amendment to records that are believed to be inaccurate
- require the school to obtain written consent prior to disclosure of personally identifiable information, except those items noted herein
- file a complaint with the US Dept. of Education concerning alleged failures by the college to comply with FERPA
 - You may also call 800-USA-LEARN (800-872-5327) or visit
 - <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
 - <http://www2.ed.gov/policy/gen/guid/fpco/index.html>
 - Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue. S.W.
Washington, D.C. 20202-5920

Educational information refers to any record maintained by an educational institution, including files, documents, and materials of any type which contain information directly related to students, and which allows a student to be identified.

What is not considered Educational Information?

- Sole possession records or private notes held by educational personnel which are not accessible or released to other personnel
- Law enforcement or campus security records which are solely for law enforcement purposes
- Records related to individuals who are employed by the college
- Records related to treatment provided by a physician, psychiatrist, psychologist or other recognized professional
- Records of the college which contain only information about an individual obtained after that person is no longer a student at the college (i.e., alumni records)

Release of Educational Record

Who Is An Eligible Student Under FERPA and How Are They Protected?

Students become "eligible" and are protected under FERPA when they begin attendance at a higher education institution or have been previously enrolled and have an education record, regardless of age or status in regard to parental dependency. An individual is a student if he/she is/has attended a class and their information is in the Student Information System (SIS). FERPA rights continue after the student leaves the college and are only terminated upon the death of the student.

A student does not need to be enrolled in a program of study to be an eligible student. If a student attends any kind of course or program offered by the college, he/she is then considered an eligible student.

Students who have applied, but not attended the institution, and deceased students are not protected under FERPA guidelines.

Students' Rights Under FERPA

Eligible students have the right to inspect and review their educational records within 45 days of submitting a written request to Surry Community College. The student must submit the request to the Associate Dean for Enrollment Services and identify the records they wish to inspect. The Associate Dean for Enrollment Services will then make arrangements for access and notify the student of the time/place where the records may be inspected. The college is not required to supply copies of records unless for reasons such as great distance where it is impossible for the student to review the records.

A student may also ask the college to amend a record believed to be inaccurate or misleading. If the school decides not to amend the record, the eligible student then has a right to a formal hearing. If, after the hearing, the school still chooses not to amend the record, the eligible student has the right to place a statement with the record commenting on the contested information. This does not include grade appeals.

A student may formally request that Surry Community College not release Directory Information on their behalf by submitting a "FERPA Consent Form." Once this request has been made, every reasonable effort will be made to safeguard the confidentiality of directory information.

Once an official request of non-disclosure has been made, the student will not be permitted to request an official or unofficial transcript online in the college's student information system. The student will be required to submit written authorization, with proof of identity, to the Records Office before a transcript will be released. Additionally, Surry Community College staff will not respond to phone calls from potential employers to verify enrollment for students who have submitted an official request of non-disclosure without the student's written authorization. This request will remain in effect until the student submits a written notice to remove the restriction.

Surry Community College will make every reasonable effort to notify a student who is the subject of a subpoena or court order before complying.

Lastly, students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with FERPA.

Parents' Rights Under FERPA

Parents lose their FERPA rights when their child starts attending or taking classes in college (or any post-secondary institution) or turns 18, whichever happens first.

Under 20 USC 1232g(d) all rights of parents (including the right to inspect educational records and to consent to the disclosure of personally identifiable information) transfers to the student at the earlier of: 1) the attainment of age 18, or 2) attendance at an "institution of postsecondary education."

However, as stated later in this document, parents of a financially dependent student, defined by the Internal Revenue Service (IRS), may obtain their dependent student's records, after submitting proof of the student's dependency (via most recent federal tax form). Requested information will not be released prior to the submission of this documentation.

Students can authorize the release of their education information to a parent, spouse, or other third party by completing "FERPA Authorization Form."

Other than the financial dependent exception - which, again, requires documentation - the college may disclose non-directory information to a parent in these specific instances:

- When the student is under the age of 21 and violates college rules regarding the use of alcohol or controlled substances.
- In the case of a health or safety emergency, if the knowledge of the information is necessary to protect the health or safety of the student or others.

When is a student's consent not required?

There are several exceptions to releasing information without a student's written approval. Some examples are:

- school officials with "legitimate educational interests" (i.e. dual enrollment high schools);

- other schools to which a student is enrolled or seeking to transfer;
- parents (or Custodial Parents) of a dependent student (defined by the IRS). A parent may obtain their dependent student's records, but must submit proof of the student's dependency (via most recent federal tax form) prior to receiving requested information. This information must be updated yearly for the parent to continue to have access to their dependent student's records.
- specified officials for audit or evaluation purposes;
- appropriate parties in connection with financial aid;
- organizations conducting certain studies for or on behalf of the school;
- to comply with a judicial order or lawfully issued subpoena;
- to comply with the Solomon Amendment (An institution is obligated to release data included in the list of "student recruiting information," which may or may not match SCC's FERPA directory information list.);
- appropriate officials in cases of health and safety emergencies;
- State or local authorities auditing or evaluating federal or state supported education programs or enforcing federal laws which relate to those programs;
- state and local authorities, within a juvenile system, pursuant to specific State law; and
- parents of a student under the age of 21 who violates the college rules and/or federal/state or local laws regarding the use of alcohol or controlled substances.

Who Is Considered a "School Official"?

- a person employed by or under contract with the college in an administrative, supervisory, academic, or support staff position;
- a person serving on the Surry Community College Board of Trustees;
- a person or firm retained by the college to perform professional services, such as legal, accounting, or auditing services; or
- a person or company under contract with the college to manage or perform operations functions, such as the college bookstore.

What is "Legitimate Educational Interest"?

- Legitimate educational interest means a school official has a "need-to-know" regarding specific information in a student's record. It refers to any authorized interest or activity undertaken in the name of the college.
- Legitimate educational interest exists when the school official is performing a task related to a student's education or is providing a service or benefit to the student.
- It exists when the school official is maintaining safety and security on campus.
- Access to an educational record must be necessary or appropriate to the operation of the college or to the proper performance of the educational mission of the college.

Disclosure of Education Information/Records

Directory Information

Disclosure means to permit access to or the release, transfer or other communication of personally identifiable information contained in education records by any means (oral, written, electronic, etc.), to any party except the party that provided or created the record.

Generally, the college must have written permission from a student before releasing information from the student's record. One exception to this rule is categorized as "Directory Information."

Directory Information is personally identifiable information which includes educational information/records that would not generally be considered harmful or an invasion of a student's

privacy. This information may be disclosed to a third party without a student's written authorization. Although directory information may be disclosed, the college is in no way obligated to release such information.

Additionally, even though these items have been deemed Directory Information, it is the practice of the college to avoid releasing a student's address or telephone number without written authorization.

Surry Community College has classified the information listed below as Directory Information.

- Student name
- Address
- Telephone Number
- Dates of attendance
- Number of credit hours enrolled
- Grade level
- Major field of study
- Degrees received
- Awards and honors
- Photos
- Most Recent Educational Agency or Institution Attended
- Participation in Officially Recognized Activities and Sports
- Weight/height of members of athletic teams

Please Note: The college reserves the right to publish the names of students who receive academic honors.

Non-Directory Information

The following information does not fall into the category of Directory Information at Surry Community College. Outside of the exceptions listed below, this information cannot be disclosed without the student's written authorization:

- Grades or GPA
- Social Security# or Student ID#
- Student's Race or Gender

Questions regarding student records should be directed to the College's Student Records and Registration Office, located in the A-building, Student Services.