



# FERPA INFORMATION

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## What is FERPA

FERPA protects the rights of students and ensures privacy and accuracy of education records. FERPA is enforced by the Family Policy Compliance Office of the U.S. Department of Education and allows the following:

### Rights granted to students by FERPA

- Right to inspect and review education records.
- Right to seek to amend education records.
- Right to have some control over the disclosure of information from education records.
- Failure to adhere to FERPA can result in disciplinary action, such as stiff penalties and loss of aid to the institution.

### What are Education Records?

"Education Records" are records which can be in any media form (written documents, computer media, microfilm, microfiche, video/audio tapes or cd's, film, photographs, etc.) and include transcripts or other records received from an institution in which the student was previously enrolled. Education records are defined as records which –

- Contain information which is personally identifiable to a student; and
- Are maintained by an educational agency or institution or by a party acting for the agency or institution.

#### *Exceptions to "Education Records" include:*

- Sole possession records - personal notes kept by a faculty/staff member if kept in the sole possession of the one who made the record.
- Law Enforcement records - maintained solely for law enforcement purposes and revealed only to law enforcement agencies.
- Employment records - of those whose employment is not contingent upon being a student (unless contingent on attendance).
- Medical records – created by health care professional used only for the medical/health treatment of the student. Medical records made and maintained in the course of treatment and disclosed only to those individuals providing treatment.
- Records that contain information about a student after he or she is no longer a student at that institution (e.g., alumni donation records).

## **Who is and is not covered under FERPA?**

- Students who are registered or have been in attendance (including graduates) at a post-secondary institution are covered under FERPA.
- Applicants who are denied admission or who never attend are NOT covered under FERPA.

## **What information might need to be handled in a secure way?**

- Registration forms, transcripts, student information displayed on your computer screen, grades, GPA, class rosters, student schedules, class assignments, any paper with the student's ID on it.

## **What information can be released?**

- Directory information (see below).
- Information that the student has given written consent to release.
- Information needed by employees who have a legitimate educational interest.
- Information needed by certain government agencies.
- Results of a disciplinary hearing to an alleged victim of a crime of violence.
- Final results of a disciplinary hearing concerning a student who is an alleged perpetrator of a crime of violence and who is found to have committed a violation of the institution's rules or policies.
- Disclosure to parent of student under 21 if the institution determines that the student has committed a violation of its drug or alcohol rules or policies.

## **What information CANNOT be released?**

- Student ID Numbers
- Social Security Numbers
- Race
- Gender
- Grades
- GPA
- Country of Citizen
- Religion

## What is "directory information"?

It is information that can be released without the student's written consent. Each college, to some extent, can determine what information is classified as directory information. "Directory information" is information not generally considered harmful or an invasion of privacy if disclosed.

### *Directory information as defined by NCCC includes:*

- Student name
- Address (including email)
- Telephone number
- Date and place of birth
- Major field of study
- Participation in officially recognized activities and sports
- Photograph
- Weight and height of athletes
- Dates of attendance - NOTE: Although directory information includes "dates of attendance", this is defined as the period of time in which a student attends or attended an institution, i.e. academic year. It does NOT include daily records or a student's attendance pattern at the institution.
- Degrees and awards received
- Most recent previous school attended

### *How do students request non-disclosure of directory information?*

Students who do not want their directory information made available must complete a "Request for Non-Disclosure of Directory Information" form with the Registration & Records Office. If a student elects non-disclosure, Niagara County Community College CANNOT, except under certain legal circumstances, disclose their directory information without the students prior written consent. This will affect degree and enrollment verifications.

To prevent the release of personal directory information, a student must:

- Notify the Registration & Records Office by the end of the first scheduled week of classes as noted in the Academic Calendar.
- If the Registration & Records Office does not receive a request by that time, a student's directory information may be released at the college's discretion without the student's written consent. Requests for non-disclosure received after the first week of the term will be considered on a case-by-case basis.

- This request is valid permanently once it is received. If a student wishes to discontinue their request for non-disclosure, he/she must submit this request in writing to the Registration & Records Office.

#### *How do students request release of information to a Third Party?*

Should a student wish to allow access to personally identifiable information to an outside party (other than those exempted by law), he/she may grant proxy access to his/her records through Banner Web. Instructions may be found through this link:

<http://www.niagaracc.suny.edu/pdf/records/Banner-Web-Proxy-Instructions.pdf>

#### *Student (and former student) Rights under FERPA:*

- Students have the right to know where education records are kept.
- Students have the right to inspect their education records.
- Students have the right to have records amended as necessary.
- Students have the right to file a complaint with the U.S. Department of Education if they feel their rights are being violated.
- Students have the right to expect that their education records are kept confidential, except where special provisions are made.
- Students have the right to suppress the disclosure of directory information to outside agencies.

#### *Who can access student information?*

- NCCC employees who have a legitimate educational interest. Legitimate educational interest is defined as a school official's need to review student education information to fulfill a responsibility as part of his or her contract.
- Financial Aid lenders.
- Agents of the court when the college has been issued a subpoena or court order.
- To Federal, State, and local authorities conducting an audit, evaluation, or enforcement of education programs.
- Appropriate individuals in an emergency in order to protect the health & safety of the student or other persons.
- To military recruiters under the Solomon Amendment.
- Educational research agencies.
- Accrediting organizations.

#### **What does Legitimate Education Interest mean?**

A legitimate educational interest exists if the information requested has an educationally related purpose and is necessary for a school official to perform appropriate tasks or to make a judgment within the scope of the official's assigned responsibilities. More particularly, the following criteria shall be taken into account in determining the legitimacy of a school official's access to student records:

- The official must seek the information within the context of the responsibilities that he or she has been assigned.
- The information sought must be used within the context of official college business and not for purposes extraneous to the official's area of responsibility or to the college.
- The information requested must be relevant and necessary to the accomplishment of some task or to making some determination within the scope of college employment.
- The task must be determined to be consistent with the purposes for which the data is maintained. Requests related to institutional research and studies are subject to this criterion.
- The information provides a service or benefit relating to the student, such as health care, counseling, financial aid, recommendations, or selection for awards, prizes, or membership in honorary societies.

Disclosure to a school official having a legitimate educational interest does not constitute institutional authorization to transmit, share or disclose any or all information received to a third party. AN UNAUTHORIZED DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM THE EDUCATION RECORD OF THE STUDENT IS PROHIBITED.

### **Health or Safety Emergency Situations**

- In emergency situations, FERPA permits school officials to disclose education records without student consent, including personally identifiable information, to protect the health or safety of students or other individuals.
- In these types of situations, records and information may be released to appropriate parties such as law enforcement officials, public health officials, and trained medical personnel.
- FERPA also permits institutions at their discretion to disclose information from education records to parents if a health or safety emergency involves their son or daughter.

### **Parent/Legal Guardian Rights**

- You can obtain DIRECTORY information as listed above
- The best approach to accessing information is to ask the student directly. Most information is readily accessible on the web at any time.
- If the student is a legal dependent as claimed on the requestor's tax returns, you may request non-directory information but it is only released at the discretion of the College
- The student may grant access to non-directory information to an outside party (other than those exempted by law) by following these instructions: <http://www.niagaracc.suny.edu/pdf/records/Banner-Web-Proxy-Instructions.pdf>
- All requests for non-directory information should be routed through Registration & Records (A201) or by calling (716) 614-6250

## Deceased Students

- Deceased students are not covered under FERPA; however it is the college's policy not 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.

## Tips for Avoiding a FERPA Violation

- Students should NEVER be given a copy of a class list, roster, or any document that contains references to other students, even if that document is provided in a sealed envelope.
- Grades and other documents should NEVER be posted or made publicly available in a manner that identifies individual students.
- Student papers, exams, or business-related documents should NOT be left unsupervised or in common areas for distribution or pick-up.
- Parents or guardians who request information about their student should be referred to the Registration & Records Office (A201).
- All requests for directory and non-directory information should ALWAYS be forwarded to the Registration & Records Office (A201).
- Do NOT ask for a Social Security Number to look up student information. Always ask for name and date of birth, then provide information based on those items only.

## TAKE CARE!!!

- Access to student information via BANNER does not authorize unrestricted use of that information.
- Curiosity is not a valid reason to view student information.
- Records should only be used in the context of official business.
- When in doubt--don't give it out. • Refer requests for academic information to the Registration & Records Office (A201, Ext. 4058).
- Information on a computer should be treated with the same confidentiality as a paper copy.
- Do not leave confidential information displayed on an unattended computer.
- Cover or put away papers that contain confidential information if you are going to step away from your desk.



**For technical assistance and advice to school officials:**

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-5901

Phone: (202) 260-3887

Fax: (202) 260-9001

Requests for information may also be emailed to: [FERPA@ed.gov](mailto:FERPA@ed.gov) Or visit: <http://www.ed.gov/offices/Oll/fpcO>.