

SECTION: Compliance with Federal Law
SUBJECT: Family Educational Rights and Privacy Act (FERPA)
SOURCE REFERENCE: Board of Trustees Policy 808.01

NUMBER: E/1.4

Family Educational Rights and Privacy Act (FERPA)

Students' Rights and Privacy Act

Employees of Gadsden State Community College have an important responsibility to students under the Family Educational Rights and Privacy Act (FERPA). It is important that faculty understand their role as guardians of the students' right to privacy. The following are some provisions of the Family Educational Rights and Privacy Act.

1. Instructors and counselors may keep private notes on students; however, FERPA allows limited access to these notes. If faculty discuss this information with one person other than a substitute who needs to know, unauthorized access has been allowed.
2. Faculty should not disclose any personal information about a student to anyone outside this institution. This includes parents and trusted friends. All such disclosures are subject to written approval by students; therefore, all requests for disclosure of any kind should be referred to the Registrar's Office. Though FERPA allows for the release of "directory information" on students, it is the faculty member's responsibility to ascertain if the student has made a written request to the Registrar that the College not release such information. Within this limitation, it is preferable that all faculty refer such questions of "directory information" to the Registrar unless the request is accompanied by a signed release from the student.
3. Work-study students who have access to any type of student information shall be informed of the seriousness of revealing student information to other parties.
4. Instructors should note that students must be allowed access to academic records and may challenge their content. Therefore, it is incumbent upon faculty to maintain clear and accurate records that can be explained and justified.
5. Grades should not be posted.
6. Anyone having an access code to the computer system should not share it unless specifically authorized. A student worker should never have access to an access code. All computers should be signed off before being turned off; otherwise, someone may turn on a computer and gain instant access to student records.

FERPA (Family Educational Rights and Privacy Act) was passed by Congress in 1974. FERPA applies to all educational agencies or institutions, including Gadsden State Community College, which receive funds under any program administered by the Secretary of Education. FERPA governs what student information may be released, but does not require that any information be released.

FERPA Is Your Responsibility

You may not disclose personally identifiable information from educational records to persons other than the student or to a College official who has a legitimate educational interest in the student's educational records. A College official has a legitimate educational interest to access the information when that information is for use in connection with: performing a task that is related to the student's education;

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providing a service or benefit relating to the student or student's family, such as housing, health care, counseling, job placement, or financial aid; performing a task related to the discipline of a student; maintaining the safety and security of the campus; or otherwise performing a task related to the effective functioning of the College. You may not access educational records for personal reasons.

Student Information Types

Student educational records include records directly related to a student and maintained by the College. Examples of educational records are grades, exams, papers, advising or other notes about a student, applications, financial documents, and any correspondence that contains information about a student, including e-mail correspondence.

Personal notes that are not made available to any other faculty or staff members are exempted from FERPA but could be subject to discovery through a subpoena or court order.

Directory Information

Directory information is defined categories of information in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Information designated by Gadsden State as directory information includes, student's name, address, telephone number, date of birth, academic honors, and major fields of study, as well as information about a student's participation in officially recognized activities and sports, the weight and height of members of athletic teams, the date of attendance by students, degrees and awards received, and the most recent previous educational agency or institution attended by a student. This information is considered public and can be released without the student's written permission, unless the student has chosen to keep this information confidential. A student can withhold the release of all directory information including verification of enrollment, by contacting the Office of Admissions and Records.

Non-Directory information

Non-directory information includes ethnicity or race, gender, nationality, social security number, student identification number, religious affiliation, course enrollment or schedule. All non-directory information is considered confidential under FERPA and will not be released without the written consent of the student. Examples of exceptions are health or safety concern; health or safety emergency; a subpoena or court order. Please refer to 34 CFR § 99.31 (Code of Federal Regulations) for a list of all exceptions.

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Notification of Student Rights under FERPA

FERPA affords students certain rights with respect to their education records. These rights include the following:

1. The right to inspect and to review the student's education records;
2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
4. The right to file with the U.S. Department of Education a complaint concerning alleged failures by Gadsden State Community College to comply with the requirements of FERPA; and
5. The right to obtain a copy of Gadsden State Community College's student records policy, which is available at the Records Office.

Tips on Managing Student Records

1. **DO** review the FERPA policy before responding to a request for educational records.
2. **DO NOT** release directory information on a student without checking or contacting the Office of Admissions and Records to see whether the information has been marked as confidential.
3. **DO** check with the Office of Admissions and Records before disclosing any student educational record information to third parties outside the College.
4. **DO** refer all subpoenas, summons or other legal process requests for education records to the Office of Legal Affairs.
5. **DO NOT** request information or access a student's records unless you have a legitimate educational interest and are authorized by the College to do so.
6. **DO NOT** put solely personal notes (for example, a note used only as a personal memory aid) in the student's file, because those notes will become accessible to the student. Such records can be kept confidential only if they are kept in the sole possession of the maker and are not accessible or revealed to any other person.
7. **DO NOT** post students' papers, scores, or grades in a public place on which names, social security numbers, or other personal identifiers are displayed. You may post grades by a randomly assigned identifier and in a random, non-alphabetical order.
8. **DO** remember that medical, mental health, and law enforcement records should not be put in the student's file with the student's educational records. Medical and mental health records supporting

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an accommodation for a disability should be forwarded to the ADA Compliance Officer. Law enforcement records should be kept by Safety and Security.

9. **DO NOT** release information about a student disciplinary proceeding.
10. **DO** shred or destroy student information before disposal.

(See E/1.4-A – Student Records Access Form)