



## PRIVACY OF STUDENT RECORDS (FERPA) POLICY

### **Board Bylaw:**

**Policy Number: 5.3003**

**Subject Area: Student Services**

**Adopted: 05/18/2020**

**Revised: 05/18/2020**

Kaskaskia College protects the privacy of student records in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), a federal law (20 U.S.C. §1232g; CFR Part 99) that governs access to student education records. The College will not permit access to, or the release of, educational records without the consent of the student or eligible parent or legal guardian to anyone other than those permitted by law. The College will publish an Annual Notification of Rights under FERPA in the College Catalog, in the Student Handbook, and by student email.

### **Student Rights**

Students are afforded the following rights under FERPA:

1. The right to inspect and review their educational record within forty-five (45) days of submitting a request for access to such record.
2. The right to request an amendment to their educational record in the event that the student thinks the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
3. The right to provide written consent before the College discloses personally identifiable information contained in their educational record, except to the extent FERPA authorizes disclosure without consent.
4. The right to file a complaint with the United States Department of Education (Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave, SW, Washington, DC 20202-5920) if they think that the College has failed to comply with this policy.

### **Exceptions to Prior Consent for Disclosure**

The College may disclose information from a student's educational record without consent under certain conditions specified in the FERPA regulations as listed below.

1. To school officials with a legitimate educational interest.
2. To officials of another school where the student seeks or intends to enroll.
3. To government officials in connection with the audit and evaluation of federal and state-supported education programs.
4. To persons or organizations in connection with financial aid.
5. To persons or organizations conducting research, studies or data collection on behalf of the College for the development of tests, administration of financial aid, or the improvement of instruction.
6. To accrediting organizations.
7. In order to comply with a judicial order or subpoena provided the College makes a reasonable effort to inform the student in advance so that the student may take protective action, except when the College is legally required to not disclose the existence of a subpoena.
8. To appropriate officials in connection with a health or safety emergency.
9. Information the College has designated as Directory information.
10. To others when federal, state, local laws or College policy has been alleged or actually violated (see accompanying procedure #5.06P for expansion regarding this release of information).

### **Student Directory Information**

Kaskaskia College has designated the following student information as "directory information":

- Student Name
- Address
- Phone Number
- Enrollment Status (Full-time, Part-time)
- Date of Birth
- Major Field of Study
- Classification (freshman or sophomore)
- Dates of Attendance
- Degrees and Honors Earned and Dates
- The most previous educational agency or institution attended prior to enrollment at Kaskaskia College

- Participation in officially recognized activity or sport and weight, height and photos of members of athletic teams or student activities
- Photo

The College retains the right to exercise discretion in determining the release of directory information.

### **Responsibility for Compliance**

This policy applies to all employees, students and individuals acting on behalf of the College. It applies to all personally identifiable information maintained by the College concerning current or former students. Under FERPA, a student's right to review his or her records supersedes the right of the parent when the student becomes 18 or is enrolled in a post-secondary course. Failure of employees, students and individuals acting on behalf of the College to protect student information will not be tolerated and addressed through the College's Discipline, Suspension, and Discharge of Employees Policy 2.55.

All employees will participate in initial training regarding Privacy of Student Records (FERPA) and annual updates. This information will be included in the College's overall onboarding processes for newly hired employees. Updates to employees shall occur and may be presented in campus wide emails, presentations at Professional Growth & Development days or assignments from the College's online training system.

### **Definition of Terms**

The College accepts the Definition of the following terms as they relate to privacy of student records:

Directory information: Information contained in an education record of a student that would not generally be harmful or an invasion of privacy if disclosed.

Disclosure: When access is permitted to, or student information contained in educational records is released orally, electronically, or in writing to any party other than the party identified as the party that provided or created the record. A student has a right to prohibit disclosure of information related to their education record and this is accomplished by a written request for such to the Registrar.

Education record: Data that contains information that is directly related to a student and is maintained by an educational agency or institution, or an individual acting on behalf of the institution. Educational records exclude (1) sole possession notes, (2) campus police records available only to police and maintained within that department, (3) alumni records, (4) employment records when employment is not contingent upon the employee's status as a student, and (5) peer grading.

Eligible student: Student who has reached 18 years of age or who is attending an institution of post-secondary education. Under FERPA, a student's right to review his or her records supersedes the right of the parent when the student becomes 18 or is enrolled in a post-secondary course.

Legitimate educational interest: When a College official is acting within the scope of his or her employment and/or job description, it is part of their job role to have access to that information, or it is necessary to access that information in order to fulfill his or her professional responsibilities to Kaskaskia College.

Personally identifiable information: Information that would reveal the identity of a student or would make the student's identity easily traceable. This includes the student's name, name of the student's parent or other family member, address of the student or their family, personal identifiers. In addition, other information that is linked to a specific student and would enable a reasonable person in the school community to identify the student or information requested by an individual who the College reasonably believes knows the identity of the student to whom the education record relates.

School Official: Any person employed by or otherwise affiliated with Kaskaskia College who is performing institutional services or doing work for the college. School officials include, but are not limited to, administration, BOT member, faculty, staff, consultants, contractors (such as an attorney, auditor, and collection agent), any person serving on an official committee, students and volunteers serving on an official committee or assisting other school officials in performing his or her tasks.

Approval History:  
May 18, 2020