

Privacy and Release of Student Education Records Policy

Purpose

The purpose of the Privacy and Release of Student Education Records Policy is to ensure that Rhodes State College maintains the requirements set forth in the Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. § 1232g; 34 CFR Part 99 (FERPA) and to ensure that students receive notification of their rights and responsibilities under FERPA. The Policy and related procedures are designed to provide standardization in operations for collection, maintenance, review and release of student records, required notification to students, and clarity in dealing with the legal and regulatory requirements. As such, this policy applies to faculty, staff, and students.

Policy Statement

Rhodes State College will protect the privacy of student education records and shall govern the collection, maintenance, review and release of student records at the College as set forth in FERPA.

Pursuant to FERPA, an annual notice will be published to explain the rights of students with respect to records maintained by the College and outline the College's procedures to comply with the requirements of FERPA and locations from which the Federal Regulations and Rhodes State's Policy can be obtained.

Definitions

The following terms are defined for the purposes of this Policy.

1. Education Records – Education Records are, with certain exemptions, those records, files, documents, and other materials which contain information directly related to a student, and are maintained by any employee or agent of the College.
2. College Official – A College Official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including clerical/record-keeping; law enforcement unit personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
3. Student – Any individual who is or has been enrolled and in attendance at Rhodes State College and for whom the College maintains education records as defined and protected by FERPA.
4. Unmet College Obligation – An unmet College obligation refers to such items as financial, return of equipment or library materials, and/or a student code sanction.

Policy Details

I. Right to Inspect and Review

Students are granted the right to inspect and review all of their education records, except the following:

- A. Financial records, including any information those records contain, of parents.

- B. Confidential letters and statements of recommendation for admission, employment, or honorary recognition placed in education records after January 1, 1975, or for which students have waived their right of access.

II. Waiver of Rights of Access

- A. Students may waive their right of access to confidential letters and statements of recommendation. However, even if the student signs a waiver, upon request, the names of all persons making confidential recommendations shall be made available.
- B. Employees or agents of the College may not require a student to waive his or her right of access for receipt of College benefits or services.

III. Right to Request Amendment of Education Records

- A. Students have a right to request amendment of their education records if they consider the information contained therein to be inaccurate, misleading, or inappropriate or otherwise in violation of the student's rights of privacy.
- B. This process includes an opportunity to seek amendment of the records or to place a written statement in the record commenting on the contested information in the record.
- C. The right to challenge grades, opinions, or substantive decisions made by a College Official about a student does not apply under the Act unless, for example, the grade assigned was inaccurately recorded, under which condition the student may request amending the record.

IV. Consent for Release Required

- A. Signed and dated written consent (which may be in electronic form as permitted by FERPA and the College) must be obtained from students for the release of information from education records, specifying what is to be released, the reasons for release, and to whom, with a copy of the education records sent to the student if he or she desires. Unmet college obligations may result in a hold being placed on the release of a student's education records.
- B. Rhodes State College generally does not re-release records that did not originate from Rhodes State such as high school and college records, GED or ACT scores, etc. to third parties. Students should request this information from the original source.

V. Release Without Consent

- A. The requirement for written consent does not apply in the following conditions, among others:
 - 1. Disclosure to faculty and staff of Rhodes State College who have a legitimate educational interest on a "need to know" basis, including student employees or agents of the institution, if necessary to conduct official business, as authorized by the College Registrar. Legitimate educational interest includes performing a task related to the regular duties of the employee or agent, the student's education, the discipline of a student, a service or benefit for the student, or maintaining safety and security of the campus.
 - 2. Disclosure to comply with a lawfully issued subpoena or judicial order.

3. Disclosure in connection with a student's application for or receipt of financial aid.
 4. Disclosure to state authorities and agencies specifically exempted from the prior consent requirements by the Act - organizations conducting studies on behalf of the College, if such studies do not permit the personal identification of students to any persons other than to representatives of such organizations and if the personal identification data is destroyed when no longer needed.
 5. Disclosure to accrediting organizations to carry out their accrediting functions.
 6. Disclosure to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.
 7. In the case of emergencies, the College may release information from education records to appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons.
 8. Disclosure to authorized federal officials who have a need to audit and evaluate federally-supported programs.
 9. Disclosure of the results of any disciplinary proceeding conducted by the College against an alleged perpetrator of a crime of violence to the alleged victim of that crime.
 10. Disclosure of "directory information" (see **Section VI**).
- B.** The College reserves the right to verify the accuracy of any information contained in an official College document (e.g. a transcript or diploma) or that is provided to a third party.

VI. Directory Information

- A.** Rhodes State College has designated the following information about students as public (directory) information. In accordance with FERPA, the College may release directory information to third parties without the student's written consent.
1. Name
 2. Address
 3. Telephone (local and home)
 4. Rhodes State College email address
 5. College Major
 6. Past and Present participation in officially recognized activities and sports (including weight and height of members of athletic teams)
 7. Dates of Attendance
 8. Degrees and Awards received (including honor rolls and dates conferred)
 9. All previous educational agencies or institutions attended.
 10. Enrollment Status (e.g. undergraduate, full-time or part-time)
 11. Photograph
 12. Other information contained in an education record that would not generally be considered harmful or an invasion of privacy if disclosed.

- B. Students have the right to have this directory information withheld from the public if they so desire (see **Procedures, Section I**).
- C. The College receives many inquiries for "directory information" from a variety of sources, including friends, parents, relatives, prospective employers, other institutions of higher education, honor societies, licensing agencies, government agencies, and the news media. Each student is advised to carefully consider the consequences of a decision to withhold "directory information." The College, in all good faith, will not release directory information requested to be withheld, and any requests from persons or organizations outside the College will be refused unless the student provides written consent for the release.

VII. **Complaints**

The student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by Rhodes State College to comply with the requirements of FERPA. Written complaints should be directed to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520