

# Notification to College Employees of FERPA Guidelines

## Introduction

If an employee of the College is approached by a third party (i.e. parent, spouse, employer, prospective employer, etc.) requesting any information about one of our current or previously enrolled students, it is critical that the third party request be referred to the Registrar in Room 127, phone 513-585-0365, or [perry.carroll@thechristcollege.edu](mailto:perry.carroll@thechristcollege.edu). Prior to releasing any personally identifiable information to a third party the Registrar should be consulted for a recommendation.

While there is certain information that the College is allowed to release without prior written consent, this information should be released only after consultation with the Registrar. A student may have placed a hold on Directory Information.

Forms are available in the Office of the Registrar that students may complete giving the College permission to release personally identifiable information to specific parties of their choosing.

## Family Educational Rights and Privacy Act of 1974 (FERPA)

Also known as the Buckley Amendment

Statute: 20 U.S.C. § 1232(g)

Regulations: 34 CFR Part 99

### *Primary Rights of Students under 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

### *To which educational agencies and institutions do these regulations apply?*

- FERPA applies to each educational agency and institution that receives funds under any program administered by the U.S. Secretary of Education.

### *Definition of 'Education Records'*

- All records which –
  - Contain information which is directly related 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 (advising or counseling records that are shared with no one beyond the creator of the record).
- Records created and maintained by a law enforcement unit for a law enforcement purpose.

*'Record' means any information maintained in any way, including, but not limited to:*

- Handwriting
- Video or audio tape
- Computer media
- Film
- Print
- Microfilm and microfiche

*'Student' means any individual (regardless of age):*

- Who is or has been in attendance at an institution; and
- Regarding whom the institution maintains education records.

*Except for specific exceptions, a student shall provide a signed and written consent before a school may disclose education records.*

*Under what conditions is prior consent NOT required to disclose information?*

- To school officials with legitimate educational interests
- To schools in which a student seeks or intends to enroll
- To Federal, State, and local authorities conducting an audit, evaluation , or enforcement of education programs
- To persons or organizations providing financial aid to the student
- To accrediting organizations
- To comply with a judicial order or subpoena (reasonable effort to notify the student is required)
- In a health or safety emergency
- Directory information
- To the student
- 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.

*What conditions apply to disclosing directory information?*

An institution may disclose directory information if it has given public notice to students in attendance of:

- What items the institution has designated as directory information.
- A student's right to refuse to allow release of directory information.

*What items are considered as directory information?*

The Christ College of Nursing and Health Sciences hereby designates the items listed below as “Directory Information” which may be released for any purpose at the discretion (does not mean we are ‘required’ to release) of the institution.

- address
- telephone listing
- photograph
- major field of study
- grade level (freshman, sophomore)
- enrollment status (i.e. full-time, half-time, etc.)
- dates of attendance (term dates but not last date of attendance if withdrawn, or daily attendance record)
- degree, honors, and awards received
- participation in officially recognized activities

Under the provisions of FERPA, currently enrolled students have the right to withhold the disclosure of “Directory Information”. To withhold disclosure, written notification must be received in the Registration and Records Office within ten (10) calendar days from the first scheduled day of class of the term. All written requests for non-disclosure will be honored by the college for one (1) academic year. Requests to withhold Directory Information must be filed annually thereafter.

*What are the Enforcement Provisions?*

- Students may file complaints with the U.S. Department of Education.
- Penalty for noncompliance is termination of federal funds to the institution.

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**Notes:**

At the postsecondary level, parents have no rights to inspect a student’s education records, regardless of the student’s age. The right to inspect is limited solely to the student. Records may be released to parents only through the written consent of the student.

An employee is determined to have legitimate educational interest if the information requested is necessary for that official to perform appropriate tasks that are specified in his/her position description.

An employee of the college does not have a ‘legitimate educational interest’ in the student’s records by virtue of the fact that the employee is the parent. An employee does not have the right to inspect their child’s record by virtue of the fact that they are the parent.

Law enforcement unit records are not covered by FERPA and could be released without written permission of the students involved. Law enforcement records that are not kept separate from ‘education records’ are covered by FERPA.

The public posting of grades either by the student's name, institutional student identification number, or social security number is a violation of FERPA.

FERPA does not preclude an institution from disclosing nondirectory information from a student's education record to that student by telephone. The college official should ask questions to determine with reasonable certainty that the person on the phone is the student.

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