

Arizona Western College

Guidelines for the Release of Student Information Under the Family Educational Rights And Privacy Act of 1974 (FERPA)

Purpose of FERPA

FERPA deals specifically with the education records of students, affording them certain rights with respect to those records. For purpose or definition, education records are those records that are:

- Directly related to a student and
- maintained by an institution or a party acting for the institution

FERPA gives students who reach the age of 18 or who attend a postsecondary institution the right to inspect and review their own education records. Furthermore, students have other rights, including the right to request amendment of records and to have some control over the disclosure of personally identifiable information from these records.

FERPA applies to the education records of persons who are or have been in attendance in postsecondary institutions, including students in cooperative and correspondence study programs. FERPA does not apply to records of applicants for admission who are denied or, if accepted, do not attend an institution. Furthermore, rights are not given by FERPA to students enrolled in one component of an institution who seek to be admitted in another component of an institution.

Students' Rights Under FERPA

- Students and former students have rights to inspect and review their education records.
- Students must be able to inspect and review their education records within a maximum of 45 days after they request to do so. The right of inspection and review includes:
 - The right to an explanation and interpretation of the record.
 - The right to a copy of the education records when failure to provide a copy of the record would effectively prevent the student from inspecting and reviewing the record.

Some limitations exist on students' right to inspect and review their education record.

- Financial information submitted by parents
- Confidential letters and recommendations placed in their files prior to January 1, 1975.
- Confidential letters and recommendations placed in their files after January 1, 1975, to which the student has waived his or her right to inspect and review and that are related to the students' admission, application for employment or job placement, or receipt of honors.
- Education records containing information about more than one student.

Definition of Education Records

Those records directly related to a student and maintained by the institution or by a party acting for the institution are considered education records. The term "education records" does not include the following:

- Records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker thereof, and are not accessible or revealed to any other individual except a substitute who performs on a temporary basis (as defined in the institutional personnel policy) the duties of the individual who made the records.
- Records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement.
- Records relating to individuals who are employed by the institution, which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available for use for any other purpose.
- Records relating to a student which are:
 - Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, acting in his/her professional capacity or assisting in a paraprofessional capacity.
 - Used solely in connection with the provision of treatment to the student; and
 - Not disclosed to anyone other than individuals providing such treatment.

Definition of Legitimate Educational Interest

It means the demonstrated need to know by those officials of an institution who act in the students' educational interest, including faculty, administration, clerical and professional employees, and other persons who manage student records information. Any school official who needs information about a student in the course of performing instructional, supervisory, advisory, or administrative duties for Arizona Western College has a legitimate educational interest.

FERPA Exemptions to Privacy: Directory Information

Provisions of FERPA allow the institution to define directory information, that is, information that is public. Your name, current enrollment status, and certificates and/or degrees earned and/or awards received at Arizona Western College are considered public information. Any AWC employee may provide this directory information about students in response to all inquiries in this regard, whether the request is in person, by phone, or in writing.

The following directory information items may appear in college directories and publications and may be released, at the discretion of the Associate Dean for Enrollment Services in the course of College business:

Address, telephone number(s), date of birth, dates of attendance, city of residence, major field of study, awards, honors, past and present participation in officially recognized sports or activities, physical characteristics of athletes, including height and weight, and student images including but not limited to photograph and other media.

Students May Request Nondisclosure of Directory Information

Enrolled students may withhold disclosure of directory information under FERPA by submitting a "Request to Restrict Disclosure of Directory Information" form to the Enrollment Services Office at Arizona Western College. **Adding a privacy restriction to your record will prevent the college from releasing directory information to the general public including phone and written requests from financial lenders, employers or insurance companies for verification of terms of enrollment.**

NOTE: Under the Solomon Amendment of 1997, military recruiters are guaranteed access to directory information for all students except those with privacy restriction designated on their records.

For anyone calling for a student who has a privacy restriction noted on the record, the following statement should be spoken: "In accordance with the rights granted to all students by the FERPA, this individual has requested that release for their educational record be withheld. Therefore, I cannot release any information for you relative to this individual."

Exceptions to Student Consent for Release of Educational Records

FERPA allows the institution the right to disclose student records or identifiable information without the student's consent under the following circumstances:

- To authorized representatives for audit of Federal or State supported programs.
- To College employees who are in the process of carrying out their specifically assigned educational or administrative responsibilities acting in the student's educational interest.
- Veteran's Administration officials.
- Officials of other institutions in which a student seeks or intends to enroll.
- Persons or organizations providing financial aid to students.
- Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, and administer predictive tests to administer student aid programs or to improve instruction, provided that individual identity of students is not made.
- Accrediting organizations carrying out their accrediting functions.
- Parents of a student who have established that student's status as a dependent according to Internal Revenue Code of 1954, Section 152.
- Persons in compliance with a judicial order or a lawfully issued subpoena, provided that the institution makes a reasonable attempt to notify the student if a federal grand jury subpoena, or any other subpoena issued for a law enforcement purpose, orders the institution not to disclose the existence or contents of the subpoena.
- Persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of students or other persons.
- An alleged victim of any crime of violence of the results of any institutional disciplinary proceeding against the alleged perpetrator. The information may only be given in respect to the crime committed.
- Schools may disclose personally identifiable information from education records to an outside contractor without prior written student consent if the outside contractor is a "party acting for" the institution and is performing a service which the institution would otherwise have to perform for itself (as in the case of the National Student Loan Clearinghouse for loan verification)

Challenge of the Contents of Education Records

Institutions must provide students with an opportunity to challenge and amend the contents of their education records, which the students consider to be inaccurate, misleading, or otherwise in violation of their privacy or other rights. Officials who receive challenge requests must decide within a reasonable period of time whether corrective action consistent with the student's request will be taken. The student must be notified of the decision. If the decision is in agreement with the student's request, the appropriate record (s) must be amended. A student who is not provided full relief sought by his/her challenge must be informed by the appropriate official, in writing, of the decision and his/her right to a formal hearing on the matter.

Parental Access to Children's Education Records

At the postsecondary level, parents have no inherent rights to inspect a student's education records. The right to inspect is limited solely to the student. Records may be released to the parents only under the following circumstances:

- Through the written consent of the student,
- in compliance with a subpoena,
- by the submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form (IRS Code of 1954, Section 152)

In cases of divorce, separation or custody, when only one parent declares the student as dependent, an institution may grant equal access to information from the student's education records unless there is a court order, state statute, or legally binding document stating otherwise.

Posting of Grades by Faculty

The public posting of grades either by the student's name, institutional student identification number, or social security number without the student's written permission is a violation of FERPA, whether done via paper source or via electronic means (including the World Wide Web). Instructors and others who post grades should use a system that ensures FERPA requirements are met. This can be done by using code words or randomly assigned numbers that only the instructor and the individual students know.

Students' Rights After Ceasing Attendance or Graduating

Students who have ceased attendance or have graduated from an institution of higher education have basically the same FERPA rights as students currently attending Arizona Western College, including the right to:

- inspect their education records
- have a hearing to amend an education record, and
- have their education privacy protected by the institution.

Once students leave Arizona Western College they do not have the right to a privacy restriction.

References for Students by Faculty

FERPA's prohibition on disclosure of personally identifiable information from an education record of a student applies to any kind of non-directory information (e.g., performance in class, grades, attitude, motivation, abilities, background) conveyed in writing, in person, or over the telephone to third parties.

Although such information is usually conveyed by faculty members at the informal request of the students and is usually positive, the better practice would be to request a written consent form, meeting the FERPA requirements, before providing the information.

Disposal of Student Educational Records

Information about individuals should be retained only so long as it is valid and useful. Those responsible for academic information have an obligation to destroy information when conditions under which it was collected no longer prevail. Any document containing personally identifiable information must be disposed of properly through some means of confidential disposal. If you need information on confidential disposal, contact the Associate Dean for Enrollment Services at (928) 344-7617.

These are interpretive guidelines only. For further detail or specific questions, please call the Associate Dean for Enrollment Services at (928) 344-7617