

FERPA

POLICY: FERPA (Family Educational Rights and Privacy Act)			
POLICY NUMBER:	700.03	CUSTODIAN:	Academic Dean
APV'D DATE:	8/11/2020	REVIEW DATE:	August 2020
EFFECTIVE DATE:	8/11/2020		
REFERENCES: Family Educational Rights and Privacy Act, Student Records Policy 700.02			

Part 1. Policy Background and Purpose

The Family Educational Rights and Privacy Act (FERPA) is a federal law administered by the Family Policy Compliance Office in the U.S. Department of Education. FERPA applies to all educational agencies and institutions that receive funding under any program administered by the U.S. Department of Education. White Earth Tribal and Community College (WETCC) is required to comply with FERPA.

Part 2. Definitions

Student - The term “student” in this section means an eligible student under FERPA (a student who is at least 18 years of age at White Earth Tribal and Community College)
Dependent Student – is defined by the Internal Revenue Service as younger than 24 years old as of the end of the calendar year or of any age if permanently and totally disabled and claimed on the parent’s most recent year’s income tax statement.

Educational records - are records, files, documents, and other materials which contain information directly related to a student’s academic progress, financial status, medical condition, etc. and are maintained by WETCC.

WETCC Official – includes full-time faculty, adjunct faculty, administrators, student services staff, attorneys, auditors, clerical staff, trustees, and members of committees.

Part 3. Responsibility

The Associate Dean of Student Services is responsible to make available to all students and staff the FERPA Policy.

The Financial Aid Coordinator is responsible to provide an annual training to all staff and faculty on the FERPA Policy and is considered the FERPA officer.

All Faculty and Staff are responsible for upholding the policy.

The administrative procedures outlined in this section are to be complied with by all WETCC personnel who have or accumulate educational records which are in a personally identifiable form.

Part 4. Policy

Subpart A. Eligible Student

Parents of WETCC students under the age of 18 are afforded FERPA rights. Once a student attending WETCC reaches the age of 18 they become an “eligible student” and all rights formerly given to parents under FERPA transfer to the student. The eligible student (or parent if under 18) has the right to have access to their education records, the right to seek to have the records amended, the right to have control over the disclosure of personally identifiable information from the records (under certain circumstances specified in the Student Records Policy), and the right to file a complaint with the U.S. Department of Education.

Subpart B. Privacy Protections

FERPA prohibits the disclosure of personally identifiable information from an eligible student’s education record to a third party unless the eligible student has provided written consent. Certain exceptions apply, see the remainder of this policy and the Student Records Policy for exceptions including financial aid and transfer to another post-secondary institution.

FERPA prohibits the improper disclosure of personally identifiable information derived from educational records. Information an official obtains through personal knowledge or observation, or has heard orally from others, is not protected under FERPA. This remains applicable even if education records exist which contain that information, unless the official had an official role in making a determination that generated a protected education record.

WETCC is required to provide certain privacy protections for education records maintained and allows the destruction of those records as outlined in the Student Records Policy.

An eligible student has the right to request inaccurate or misleading information in their education record be amended. WETCC will consider amendment requests in a reasonable time frame (no later than 45 days) upon receipt of a written request providing information and appropriate documentation supporting the inaccurate or misleading information. WETCC will allow students the opportunity to inspect and review their education records within a reasonable time frame (no later than 45 days) upon receipt of a request. Parents of WETCC students under the age of 18 are afforded the same rights.

FERPA may not be used to challenge a grade, an opinion, or substantive decision made by WETCC about an eligible student.

WETCC officials can obtain access to personally identifiable information contained in education records provided they have a “legitimate educational interest” in the information. A school official must have a need to review the education record to fulfill their professional responsibility.

WETCC may non-consensually disclose an eligible student’s education records to parents of a “dependent student” connected with a health or safety emergency, in response to a subpoena or judicial order, or law enforcement in response to an alleged crime. Information deemed “directory information” does not require consent (see Student Records Policy).

Subpart C. Annual Notification

The Associate Dean of Student Services will notify eligible students and their parents annually of their rights under FERPA. The notice must inform parents or eligible students they have a right to:

- 1) Inspect and review the student’s education records, including the procedures
- 2) Seek amendment of the student’s education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student’s privacy rights, including the procedures
- 3) Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent the Act authorizes disclosure without consent; and
- 4) File with the U.S. Department of Education a complaint concerning alleged failures by the educational institution to comply with the requirements of the Act.

The Financial Aid Coordinator will provide annual training to all staff and faculty on FERPA and maintain a certification form in the employee’s personnel file.

Subpart D. Complaint

Protecting student’s information is a requirement all faculty and staff must abide by. A violation of the FERPA policy, including the unauthorized release of educational records maintained by WETCC must be reported in writing to the Financial Aid Coordinator.

If an eligible student believes WETCC has failed to comply with their request for access to education records, the student may file a complaint with the U.S. Department of Education – Family Policy Compliance Office at www.ed.gov/policy/gen/guid/fpco/index.html.