

Family Educational Rights and Privacy Act (FERPA) Policy

Policy Number	700.03.01	Custodian	Dean for Student Services
Approved Date			
Effective Date		Review Date	
References: Family Educational Rights and Privacy Act, Student Records Policy 700.02, FSA Handbook, 34CFR 300.610-300.627			

1. Purpose

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. White Earth Tribal and Community College (WETCC) is required to comply with FERPA regulations.

2. Persons Affected

- 2.1. Students
- 2.2. Parents
- 2.3. WETCC Staff and Faculty
- 2.4. Financial Aid Coordinator

3. Policy

This policy is to ensure the following:

- 3.1. WETCC follows federal regulations surrounding FERPA regulations.
- 3.2. There are adequate privacy protections in place for student educational records.
- 3.3. Annual notifications to students and parents to inform them of their rights under FERPA.
- 3.4. Annual training for all WETCC officials
- 3.5. Adequate Complaint process

4. Definitions

- 4.1. Eligible Student. Any individual who is or has attended WETCC and regarding whom WETCC maintains education records.
- 4.2. Dependent Student. A student under the age of 18. Parents of a student under the age of 18 have FERPA rights until the student reaches the age of 18 and then the rights are transferred to the student.

- 4.3. WETCC Official. All full-time faculty, adjunct faculty, administrators, student services staff, attorneys, auditors, clerical staff, board of trustee members, and WETCC committee members.
- 4.4. Educational Record. Information recorded in any way, including but not limited to handwriting, print, computer media, video or audio tape, microfilm, and microfiche.
- 4.5. Personally Identifiable Information. Student's name, name of student's parent or other family member, address of the student or student's family, personal identifier (social security number, student number, date of birth, or other information that alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty
- 4.6. Directory information. Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, the student's name; address; telephone listing; email, photograph; date and place of birth; major field of study; grade level; enrollment status (*e.g.*, undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended.
- 4.7. Legitimate educational interest. A WETCC official must have a need to review the education record to fulfill their professional responsibilities.

5. Procedures

- 5.1. Eligible students have 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 their records, and the right to file a complaint with the U.S. Department of Education.
- 5.2. 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 with exceptions that are listed in this policy.
- 5.3. 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 is applicable even if education records exist that contain that information unless the WETCC official had an official role in making a determination that generated a protected education record. WETCC must provide certain privacy protections for education records maintained and allows the destruction of those records as outlined in the Student Records Policy.

- 5.4. 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 a dependent student are afforded the same rights.
- 5.5. FERPA may not be used to challenge a grade, an opinion, or a 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.
- 5.6. 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.
- 5.7. The Financial Aid Coordinator will notify eligible students and the parents of dependent students annually of their rights under FERPA including the following:
- 5.8. The right to inspect and review the student's education records, including the procedures
- 5.9. The right to 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.
- 5.10. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- 5.11. The right to file with the U.S. Department of Education a complain concerning alleged failures by WETCC to comply with the requirements of FERPA.
- 5.12. The Financial Aid Coordinator conducts annual FERPA training for all staff and faculty and human resources is responsible for providing the financial aid coordinator new WETCC staff/faculty information within the first week of employment.
- 5.13. Protecting a 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's Student Privacy Policy Office (SPPO) at:
<https://studentprivacy.ed.gov/file-a-complaint>

Revision History

Rev. Date	Rev. No.	Revision
		New format and updated the link for filing complaints