7.6 The Family Educational Rights and Privacy Act of 1974

Last Revised: January 2012


Purpose/Definitions: FERPA 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. FERPA requires an educational institution to “establish appropriate procedures” for granting requests for access to education records. The law also states that students must be notified of these procedures and of their rights for access to their education records. In accordance with FERPA, students at PCC have the following rights:

- the right to inspect and review records covered under FERPA;
- the right to challenge (seek correction of) the content of these records;
- the right to a formal hearing, if necessary, for a fair consideration of such a challenge;
- the right to place an explanatory statement in the record in the event that a challenge of contents is unsuccessful;
- the right to control, with certain exception, the disclosure of the contents of the records;
- the right to be informed of the existence and availability of the College policy covering FERPA rights; and
- the right to report violations of FERPA legislation to the Director, Admissions and Records; the Dean, Student Development; and/or the U.S. Department of Education concerning alleged failures by the institution to comply with FERPA requirements. Complaints to the U.S. Department of Education can be made to Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-4605.

Students may waive any of their FERPA rights, including the release of their education records, by providing written consent. Such consent must be signed and dated by the student and must specify the exact purpose for the waiver or release.

For the purposes of this policy, PCC uses the following definitions:

Student - any person who attends or has attended PCC.

Education Records - any record (in handwriting or in print, or stored on tape, film, computer file, or other medium) that contains information directly related to a student and maintained by PCC or by an agent of the College, except the following:

- a personal record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- records created and maintained by the PCC Office of College Safety and Preparedness for law enforcement purposes;
- an employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment;
- records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, if the records are used only for treatment of a student and made available only to those persons providing the treatment; and
- alumni records that contain information about a student after he or she is no longer in attendance at the College and that do not relate to the person as a student.

PCC maintains the following education records as defined by FERPA:

<table>
<thead>
<tr>
<th>Record</th>
<th>Office</th>
<th>Custodian</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumulative Curriculum Academic (Current Student Records students, former students, and graduates.)</td>
<td>Student Development</td>
<td>Director, Admissions and Records</td>
</tr>
<tr>
<td>Adult Basic Skills (GED)</td>
<td>Adult Basic Skills Office</td>
<td>Director, Adult Basic Skills</td>
</tr>
<tr>
<td>Continuing Education – Business Development and Entrepreneurship Center</td>
<td>Business Development and Entrepreneurship Center</td>
<td>Director, Business Development and Entrepreneurship Center</td>
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<tr>
<td>Continuing Education – Customized Training Programs</td>
<td>Customized Training Programs</td>
<td>Director, Customized Training Programs</td>
</tr>
<tr>
<td>Continuing Education – Human Resources Development/WIA</td>
<td>Human Resources Development/Workforce Investment Act</td>
<td>Director, Human Resources Development/WIA</td>
</tr>
<tr>
<td>Continuing Education – Occupational Extension</td>
<td>Occupational Extension</td>
<td>Director, Occupational Extension</td>
</tr>
<tr>
<td>Disciplinary</td>
<td>Dean, Student Development</td>
<td>Dean, Student Development</td>
</tr>
<tr>
<td>Financial Aid</td>
<td>Student Development</td>
<td>Director, Financial Aid and Veterans Affairs</td>
</tr>
<tr>
<td>Student Financial Accounts</td>
<td>Business Office</td>
<td>Controller</td>
</tr>
<tr>
<td>Safety and Security</td>
<td>College Safety and Preparedness Office</td>
<td>Director, Safety and Preparedness</td>
</tr>
<tr>
<td>Health Records</td>
<td>Student Development</td>
<td>Coordinator, Admissions</td>
</tr>
<tr>
<td>Veteran’s Affairs</td>
<td>Student Development</td>
<td>Associate Director, Financial Aid and Veteran’s Affairs</td>
</tr>
<tr>
<td>Student Progress to Degree Plans</td>
<td>Faculty Offices</td>
<td>Academic Advisors</td>
</tr>
<tr>
<td>Student educational records not included above</td>
<td>Appropriate Office</td>
<td>Appropriate Office</td>
</tr>
<tr>
<td>Photographs</td>
<td>Public Information Office</td>
<td>Director, Public Information</td>
</tr>
</tbody>
</table>

PCC is not required to permit access to, and does not necessarily allow access to, the following types of information:

- financial statements of a student’s parents;
- letters and statements of recommendation for which the student has waived his or her right of access or which were maintained before January 1, 1975;
• any part of a record pertaining to another student;
• records concerning an application to attend PCC or a component of the College if that application was denied; and
• those records excluded from the FERPA definition of education records, including records of an instructional, supervisory, administrative, and educational nature maintained by College officials for their personal use.

Approval Authority/Monitoring Authority: Piedmont Community College Board’s of Trustees has approval authority for this policy. The Vice President, Instruction and Student Development has monitoring authority.

Procedure:

Inspecting and Reviewing Education Records

Students who wish to inspect and review their education records may do so by submitting a written request to the official responsible for storing the specific record. The responsible official must respond within 45 days of the request by arranging an appointment for the student to review the requested record(s).

Copies of education records or record entries, with certain exceptions, may be obtained by the student for a nominal fee. Likewise, copies of a student’s permanent academic record (transcript) will be provided for a nominal fee. The College reserves the right to deny a copy of an education record if a student has a financial registration, disciplinary, or other college “hold,” or of an exam or set of standardized test questions, or of a transcript of an original source document that exists elsewhere.

Disclosing Education Records

PCC will disclose information from a student’s education records only with the written consent of the student, except for the following disclosures that may be made without consent:

1. to school officials who have a legitimate educational interest in the records; school officials include:
   • a person employed by the College in an administrative, supervisory, academic or research, or support staff position, including health or medical staff;
   • a person elected to the Board of Trustees;
   • a person employed by or under contract to the College to perform a special task, such as the College attorney or an auditor;
   • a person who is employed by or contracted by the College’s Office of College Safety and Preparedness; and
   • 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.

A school official has a legitimate educational interest if the official is:
- performing a task specified in his or her position description or contract;
- performing a task related to a student’s education;
- performing a task related to the discipline of a student;
- providing a service or benefit relating to the student or student’s family, such as health care, counseling, job placement, or financial aid; and
- maintaining the safety and security of the campus.

2. to officials of another school, upon request, in which a student seeks or intends to enroll;
3. to certain officials of the U.S. Department of Education, the Comptroller General, and state and local education authorities, in connection with audit or evaluation of certain state- or federally-supported education programs;
4. in connection with a student’s request for, or receipt of, financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid;
5. to state and local officials or authorities if specifically required by a state law that was adopted before November 19, 1974;
6. to organizations conducting certain studies for or on behalf of the College;
7. to accrediting organizations to carry out their functions;
8. to parents of an eligible student who is claimed as a dependent for income tax purposes;
9. to comply with a judicial order or a lawfully issued subpoena;
10. to appropriate parties in a health or safety emergency;
11. to individuals requesting directory information so designated by the College; and
12. 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.

Records of Requests for Disclosure

PCC will maintain a record of all requests for and/or disclosures of information from a student’s education records. This record will indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the eligible student.

Directory Information

PCC designates the following items as Directory Information: student name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, PCC student e-mail address, dates of attendance, degrees and awards received, most recent previously-attended school, and photograph.

The College may disclose any of the above items without prior written consent, unless notified in writing to the contrary by the end of late registration each semester. Students should complete the appropriate form and submit it to the Director, Admissions and Records.

Challenging the Contents of an Education Record

Students have the right to request correction of education records that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:
1. A student must submit a written request to the Dean, Student Development in order to amend a record. In this request, the student must identify the part of the record to be amended and specify why the student believes it is inaccurate, misleading, or in violation of his or her privacy rights.

2. The College may comply with the request, or it may decide not to comply. If it decides not to comply, the College will notify the student of the decision and advise the student of his or her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy rights.

3. Upon request, the College will arrange for a hearing, and notify the student reasonably in advance of the date, place, and time of the hearing.

4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the College. The student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.

5. The College will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.

6. If the College decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

7. If the College decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he or she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

8. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the College discloses the contested portion of the record, it must also disclose the statement.

Annual Notification

A college or university is required by Title 34 § 99.7 of the Code of Federal Regulations to provide students with annual notification of their FERPA rights. Students will be notified annually of their FERPA rights by publication of those rights in the PCC Catalog and Student Handbook, in the Student Handbook and Planner, and on the College Website: www.piedmontcc.edu.

Policy Review

This policy will be reviewed by the Student Affairs Standing Committee every two years.

Legal Citation: 20 U.S.C. § 1232g, 34 CFR Part 99