

## **7.6 The Family Educational Rights and Privacy Act of 1974**

**Last Revised:** February 2024

**Policy:** Piedmont Community College (PCC) complies with the requirements of The Family Educational Rights and Privacy Act of 1974 (FERPA).

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### **Purpose/Definitions:**

#### **Purpose**

The purpose of this policy is to protect the privacy of student education records.

#### **Definitions**

**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 Director, College Safety or the Title IX Coordinator for law enforcement purposes
- an employment record of an individual whose employment is not contingent on the fact that they are 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
- alumni records that contain information about a student after they are no longer in attendance at the College and that do not relate to the person as a student

**FERPA**—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.

**Legal name**—an individual’s name as it appears on official governmental documents.

**Student**—any individual who is or has attended PCC and regarding whom PCC maintains education records.

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

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**Procedure:**

Section 1: Maintenance of Education Records

- 1.1. PCC maintains the following education records as defined by FERPA. (See Exhibit 1.1A Custodial Listing)
- 1.2. PCC is not required to permit access to the following types of information:
  - 1.2.1. financial statements of a student's parents
  - 1.2.2. 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
  - 1.2.3. any part of a record pertaining to another student
  - 1.2.4. records concerning an application to attend PCC or a component of the College if that application was denied
  - 1.2.5. 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

Section 2: Student Rights

- 2.1. In accordance with FERPA, students at PCC have the right to:
  - 2.1.1. inspect and review records covered under FERPA
  - 2.1.2. challenge (seek correction of) the content of these records
  - 2.1.3. a formal hearing, if necessary, for a fair consideration of such a challenge

- 2.1.4. place an explanatory statement in the record in the event that a challenge of contents is unsuccessful
- 2.1.5. control, with certain exceptions, the disclosure of the contents of the records
- 2.1.6. be informed of the existence and availability of the College policy covering FERPA rights

Section 3: Inspecting and Reviewing Education Records

- 3.1. Students who wish to inspect and review their education records may do so by submitting a written request to the custodian responsible for the specific record.
  - 3.1.1. The custodian must comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request. Complete guidelines can be found at [https://studentprivacy.ed.gov/node/548/#0.1\\_se34.1.99\\_15](https://studentprivacy.ed.gov/node/548/#0.1_se34.1.99_15)
- 3.2. Copies of education records or record entries, with certain exceptions, may be obtained by the student for a nominal fee. The College reserves the right to deny a copy of an education record under the following conditions:
  - 3.2.1. a student has an outstanding debt as defined in PCC Policies 3.4 Student Tuition and Fees or 6.5 Tuition/Registration and Fees
  - 3.2.2. the requested information compromises the integrity of an exam or assessment
  - 3.2.3. the requested information is for a second-source transcript that exists elsewhere

Section 4: Disclosing Education Records

- 4.1. 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:
  - 4.1.1. school officials with legitimate educational interest
  - 4.1.2. other schools to which a student is transferring
  - 4.1.3. specified officials for audit or evaluation purposes
  - 4.1.4. appropriate parties in connection with financial aid to a student

- 4.1.5. organizations conducting certain studies for or on behalf of the school
- 4.1.6. accrediting organizations
- 4.1.7. to comply with a judicial order or lawfully issued subpoena
- 4.1.8. appropriate officials in cases of health and safety emergencies
- 4.1.9. state and local authorities, within a juvenile justice system, pursuant to specific State law

**Section 5: Release of Academic Information for Deceased Students**

- 5.1. The following requirements protect the confidentiality of academic information upon the death of a former student or alumnus of the College:
  - 5.1.1. The Registrar will evaluate each request for the release of a transcript or other academic records of a deceased student on the individual merits of that request and reserves the right to deny the request in whole or to release only part of the academic records that are requested. The Registrar does not release academic records of deceased students to the news media or for research purposes.
  - 5.1.2. The closest living next-of-kin may submit a written request along with a copy of a death certificate or obituary and documentation of the relationship to the deceased individual.
  - 5.1.3. If there is no living next-of-kin, academic records may be requested by the executor of the estate or holder of power of attorney for the deceased. A written request along with a notarized copy of the executor statement or power of attorney is required. Documents must be submitted to the Registrar's Office.

**Section 6: Records of Requests for Disclosure**

- 6.1. Except for the above-listed nine (9) categories in Section 4, PCC will maintain a record of all requests for and/or disclosures of information from a student's education records.
  - 6.1.1. Such requests will include the following:
    - 6.1.1.1. the name of the party making the request
    - 6.1.1.2. any additional party to whom it may be re-disclosed

6.1.1.3. the legitimate interest the party had in requesting or obtaining the information

6.2. The disclosed record may be reviewed by the eligible student.

#### Section 7: Directory Information

7.1. PCC designates the following items as Directory Information: student legal name (see PCC Policy 6.17.1 Chosen First Name for more information); PCC student email address; city; program of study; dates of attendance; and credentials and awards received.

7.1.1. PCC does not publish or distribute lists of applicants, current students, or graduates for use by off-campus organizations, without the provision of a data-sharing agreement or Memorandum of Understanding (MOU).

7.2. The College may disclose any of the above items without prior written consent, unless notified in writing to the contrary.

7.2.1. Students must complete the non-disclosure form and submit it to the Registrar.

7.2.2. The non-disclosure form can be found on the [College's website](#) [Home → Services and Support → Electronic Forms → FERPA-Non-Disclosure] and copies are available in the Student Development Office.

7.2.3. This notification becomes effective within 14 business days of the date the request was received.

#### Section 8: Challenging the Contents of an Education Record

8.1. 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:

8.1.1. A student must submit a written request to the Registrar or the appropriate custodian 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.

8.1.2. The Registrar or the appropriate custodian may comply with the request, or they may decide not to comply. If they decide not to comply, the Registrar or the appropriate custodian will notify the student of the decision and advise the

student of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy rights as outlined in PCC Policy 7.12 Student Grievance Process.

Section 9: Reporting FERPA Violations

- 9.1. Students can report violations of FERPA legislation to the Vice President, Student Development and/or the U.S. Department of Education concerning alleged failures by the institution to comply with FERPA requirements. Complaints can be made to the U.S. Department of Education Student Privacy Policy Office, 400 Maryland Avenue SW, Washington, DC 20202-8520 or via the website:  
<https://studentprivacy.ed.gov/file-a-complaint>

Section 10: Annual Notification

- 10.1. A college or university is required by Title 34 § 99.34 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 General Catalog & Student Handbook and on the [College's website](#) [Home → Catalog]
- 10.2. Additional information on FERPA may be accessed at the U.S. Department of Education website: <https://www2.ed.gov/policy/gen/guid/fpc/ferpa/index.html>

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**Legal Citation:** 20 U.S.C. § 1232g, 34 CFR Part 99; [U.S. Department of Education Family Educational Rights and Privacy Act \(FERPA\)](#)

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**History:** Effective September 1975; Revised October 1988, October 2001, July 2007, January 2012, October 2019, September 2021; December 2021, May 2022—updated definitions, March 2023, February 2024

Cross references PCC Policies 3.4 Student Tuition and Fees; 6.5 Tuition/Registration and Fees, 6.17.1 Chosen First Name, and 7.12 Student Grievance Process

**Exhibit 1.1A Custodial Listing**

Maintenance of Education Records- Custodial Listing

<b>Record</b>	<b>Office</b>	<b>Custodian</b>
Cumulative Curriculum Academic record (Current Student Records students, former students, and graduates)	Student Development	Registrar
Cumulative Continuing Education record (Current Student Records students, former students, and graduates)	Adult Basic Skills Customized Training Programs Workforce Development Occupational Extension/Correction Education	Instructional Dean(s)
Disciplinary	Student Development	VP, Student Development
Financial Aid	Student Development	Director, Financial Aid/Veterans Affairs
Student Financial Accounts	Business Office	Controller
Safety	College Safety Office	Director, College Safety
Title IX	Title IX	Title IX Coordinator and Deputy Title IX Coordinator
Health Records	Student Development	Counselor/Advisor, Disability Services and Dean, Health and Public Safety or designee
Veterans Affairs	Student Development	Financial Aid Specialist
Student Progress to Degree Plans	Academic Advisor	Academic Advisors
Student educational records not included above	Appropriate Office	Appropriate Office
Photographs	Advancement and Communications	Director, Marketing and Communications/PIO
Photographs – Student IDs	Student Development	VP, Student Development or designee