

## FERPA - FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

In compliance with the *Family Educational Rights and Privacy Act of 1974* (FERPA), as amended, the following constitutes the college's policy regarding the disclosure of a student's personally identifiable information and educational records. In brief, FERPA protects the privacy of students at postsecondary institutions by describing exactly how and when school officials may disclose personally identifiable information from their educational records, while also guaranteeing these students the right to inspect and review these records for accuracy. As a rule, school officials will not disclose any personally identifiable information from a student's educational record to any third party, without the student's written consent, unless the disclosure is an exception provided for by federal law. FERPA website: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

### A. Terms and Definitions

Certain definitions and principles contained in the FERPA guidelines have been adopted for the college's disclosure policy:

1. At Midstate College an applicant becomes a "student" on the first day of their first term, after they have been accepted for admission. This change in designation from applicant to student occurs immediately upon the start of the term and cannot be reversed.
2. "Education records" are those records directly related to a student and maintained by the college or a party acting on behalf of the college. Students may have one or more of the following records: admissions, academic, health, accounting/financial, financial aid, credentials/placement, and disciplinary. Education records do not include the following:
  - ❖ Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
  - ❖ Law enforcement records maintained by campus security
3. "Public or directory information" is information that may be shared freely, without written consent, unless a student submits the appropriate form requesting that this information not be released. This form is available in the Registrar's Office. The college has designated the following items as directory information.
  - ❖ Student's full name
  - ❖ Major area of study
  - ❖ Enrollment status
  - ❖ Dates of attendance
  - ❖ Date of graduation
  - ❖ Degrees and honors received
  - ❖ Midstate email address
  - ❖ Pertinent information relating to officially recognized activities
4. "School officials" refers to anyone employed by the college and acting in the student's educational interest within the limitations of a "legitimate need to know." These officials include faculty, administration, staff, and other persons who manage student educational record information including student employees or agents. It may also include contractors, volunteers, and others performing institutional functions.
5. "Legitimate educational interest or need to know" means any authorized activity for the college for which access to an education record is necessary.

### B. Student Right to Inspect, Review, and Request Revision to Educational Records

FERPA affords students certain rights for accessing and amending their educational records.

1. Students may request to inspect and review their education records according to the following process:
  - ❖ The student must provide photo identification, along with a written, signed request, that clearly identifies which records he/she would like to view, to the Registrar's office.
  - ❖ The Registrar or other college official will meet with the student, and provide access to the specified record(s) no more than 45 days from the date of request. If circumstances effectively prevent the student from exercising the right to inspect and review his/her education records, the college shall either
    - ❖ Make other arrangements for the student to inspect and review the requested records at an institution located closer to him/her, or
    - ❖ Provide the student with a copy of the requested records.
2. A student's record is open to the student, with the following exceptions:
  - ❖ Confidential letters of recommendation
  - ❖ Confidential references or other documents subject to waivers signed by the student relinquishing the right of access to the document
  - ❖ Record of parents' financial status

- ❖ Employment records kept in the normal course of business which relate exclusively to persons as employees and are not used for any other purpose.
  - ❖ Medical, psychiatric, or similar records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in such capacity and in connection with the treatment of the student, provided, however, that such records may be personally reviewed by a physician or other appropriate professional of the student's choice or as otherwise provided by Illinois law.
3. Students have the right to request corrections to information they believe to be inaccurate, misleading, or in violation of their privacy rights. This provision applies only to correcting an inaccurate record, and cannot be used to alter an underlying decision, such as an undesirable grade, or any action upon which the record is based; the normal student petition process should be used to resolve disputes regarding underlying actions or decisions.

Students who feel they have found inaccuracies in their records should submit a written statement to the Registrar that clearly identifies the information they believe is in error, as well as why they believe it is inaccurate or misleading.

### **C. Student Right to Opt-Out of Directory Information Disclosure**

Students who wish to request that their directory information not be released may do so by completing a Request for Non-Disclosure of Directory Information form, which is available from the Student Records Office. A student should be aware of the following when opting out of directory information disclosure:

1. The college receives many inquiries for directory information from a variety of sources outside the institution, including friends, parents, relatives, prospective employers, the news media, and honor societies. Opting out of directory information disclosure will prevent release of such information, even to those people. As an example, the college would not be able to verify to prospective employers that a student has received a degree without the student's signed consent.
2. Opting out of directory information disclosure applies to all elements of directory information in the student's record. The college does not apply this release differentially to the various directory information elements.

### **D. Third Party Access to Records**

Under most circumstances a student's education records may only be released to third parties (i.e., anyone not the student or a school official) upon the written request of the student. However, personally identifiable information from records of students may be released without the consent of the student:

- ❖ To parents or guardians of dependent students, as currently defined in section 152 of the Internal Revenue Code of 1986
- ❖ To those representatives of the federal government and the state who are identified in FERPA.\*
- ❖ To state and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.\*
- ❖ To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations; such information will be destroyed when no longer required for the purpose for which it is conducted.
- ❖ To accrediting organizations in order to carry out their accrediting functions
- ❖ In compliance with a judicial order or pursuant to any lawfully-issued-subpoena, provided the college makes a reasonable attempt to notify the student of compliance.
- ❖ In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility, amount, or conditions of financial aid or to enforce the terms and conditions of financial aid for which the student has applied or received.
- ❖ To officials of another institution where the student seeks or intends to enroll
- ❖ To an alleged victim of any crime of violence (limited to the results of any disciplinary proceeding conducted by the institution pertaining to that crime).
- ❖ To the victim of a violent crime or non-forcible sex offense, regardless of the outcome of the disciplinary proceeding, and to any person when the accused was found to have violated the campus rules and policies and the proceeding involved a violent crime or non-forcible sex offense. [The name of the accused may be disclosed but the name of the victim or witness will not be disclosed without prior written consent.]
- ❖ To the parent or legal guardian of a student, provided the student is under the age of 21, if the college has determined that the student has violated any Federal, state, or local law, or any campus rule or policy governing the use or possession of alcohol or a controlled substance.

### E. Health and Safety Exemption

Prior consent to disclosure of information from student education records will not be required when notice is made to appropriate parties in connection to an emergency, where knowledge of the information is necessary to protect the health or safety of the student or individuals involved.

Any release will be narrowly-tailored considering the immediacy, magnitude, and specificity of information concerning the emergency. Such an exception is limited to the period of the emergency and generally will not allow for a blanket release of personally identifiable information from a student's education records.

### F. Filing a Complaint

A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA. Below is the name and address of the Office that administers FERPA:

Family Policy Compliance Office  
U. S. Department of Education  
400 Maryland Avenue  
SW Washington, DC 20202

Questions related to the interpretation or implementation of this policy, as well as any request for release of educational record information, should be directed to the Registrar at [registrar@midstate.edu](mailto:registrar@midstate.edu) or (309) 692-4092 Ext. 1010.

\* As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which education records and personally identifiable information contained in such records - including Social Security Numbers, grades, or other private information - may be accessed without consent. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to student records and personally identifiable information without consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution. Second, Federal and State Authorities may allow access to education records and personally identifiable information without consent to researchers performing certain types of studies, in certain cases even when we object to or do not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive a student's personally identifiable information, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without a student's consent personally identifiable information from education records, and they may track participation in education and other programs by linking such personally identifiable information to other personal information about a student that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.  
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