

# ACADEMIC POLICIES

## ACCESS TO STUDENT RECORDS

### THE INSTITUTION PROTECTS THE SECURITY, CONFIDENTIALITY, AND INTEGRITY OF ITS STUDENT RECORDS. FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)

#### What is FERPA

The Family Educational Rights and Privacy Act of 1974, as Amended (also sometimes referred to as the Buckley Amendment), is a federal law regarding the privacy of student education records and the obligations of the institution, primarily in the areas of release of the education records and the access provided to these education records.

#### Who must comply with FERPA

Any educational institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements. Institutions that fail to comply with FERPA may have funds administered by the Secretary of Education withheld. To comply with FERPA, educational institutions are required to:

- Annually notify students of their FERPA rights;
- Protect the students' FERPA rights;
- Ensure that personally identifiable information from a student's education record is not re-disclosed;
- Keep records of requests for and disclosures of student education records (with some exceptions).

#### Education Records under FERPA

Under FERPA, education records are defined as records that are directly related to a student and/or from which a student can be identified (personally identifiable information) and are maintained by an education agency or institution or by a party acting for the agency or institution. Education records can exist in any medium, including: typed, computer generated, videotape, audiotape, film, microfilm, microfiche and email, among others.

Education records do not include such things as:

- Sole possession records, i.e., records/notes made by one person as an individual observation or recollection (used only as a personal memory aid) which are kept in the possession of the maker and not revealed or accessible to any other person except a temporary substitute;
- Medical treatment records that include but are not limited to records maintained by physicians, psychiatrists, and psychologists;
- Employment records when employment is not contingent on being a student, provided the record is used only in relation to the individual's employment;
- Records created and maintained by a law enforcement unit used only for only that purpose;
- Post-attendance records, i.e., information about a person that was obtained when the person was no longer a student (alumni records) and does not relate to the person as a student.

#### Student Rights under FERPA

FERPA rights transfer from the parent to the student when the student turns 18 or attends a post-secondary institution at any age. The student would need to provide a signed consent in order for the disclosure of information to the parents.

In accordance with FERPA, Navarro College annually notifies students of their FERPA rights. Students are notified of their FERPA rights in the college catalog, website, and student handbook. A student's FERPA rights include:

- The right to inspect and review their education records;
- The right to request the amendment of an education record they believe is inaccurate, misleading, or in violation of the student's rights of privacy (including the right to a hearing regarding the request for amendment);
- The right to have some control over the disclosure of information from their education records;
- 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.

#### Right To Inspect and Review Education Records

Students (which includes former students) have the right to inspect and review their education records within 45 days from making such a request. The right of inspection and review includes: the right to access, with an explanation and interpretation of the record; the right to a copy of the education record when failure to provide a copy of the record would effectively prevent the student from inspecting and reviewing the record. The institution may refuse to provide a copy of a student's education record provided such refusal does not limit access.

Limitations exist on students' rights to inspect and review their education records. For example, the institution is not required to permit students to inspect and review the following:

- Financial information submitted by parents;
- Education records containing information about more than one student (however, the institution must permit access to that part of the records which pertains only to the inquiring student);
- Confidential letters and recommendations placed in the student's file before 01/01/75;
- Confidential letters and statements of recommendation, placed in the records after 01/01/75, to which the student has waived his or her right to review and that are related to the student's admission, application for employment or job placement, or receipt of honors.

#### Right to Have Some Control of the Disclosure Information from Education Records

According to FERPA, personally identifiable information in an education record may not be released without prior written consent from the student. The written consent must specify the records that may be disclosed, state the purpose of disclosures, and identify the party to whom disclosures may be made. A "Student Records Release Request" form is available in the Admissions Office or download and fill out .pdf version here: [Student Records Release Request](#).

Some examples of information that MAY NOT BE RELEASED without prior written consent of the student (with few exceptions stated below) are:

- Citizenship
- Disciplinary status
- Ethnicity
- Gender
- Grade point average (GPA)
- Marital status
- SSN/student I.D.
- Grades/exam scores
- Test scores (e.g., SAT, GRE, etc.)
- Progress reports

With few exceptions (stated below), Navarro College will not disclose personally identifiable information from a student's education record without the student's written consent. Navarro College will not release a student's record to a parent/guardian without the student's written permission. Such a policy is in effect regardless of the student's age or financial dependency upon the parent/guardian.

**Exceptions**

Notable exceptions which permit access and/or disclosure of information in a student's education record without the student's written consent include:

Directory Information: Disclosure of those items the College designates as directory information. Navarro College has designated the following information as directory information and may release this information, unless the student has submitted a request for non-disclosure:

- Name
- Address
- Navarro College dates of enrollment (semester of enrollment)
- Navarro College degrees earned (with dates)
- Academic honors and awards
- Enrollment status (number of credits, full-time/part-time)
- Currently enrolled (Y/N)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Birth date (the college generally does not release this information; used only to confirm student records when performing third-party verifications)
- Place of birth

A student's directory information may be disclosed unless a student files a "Request for Non-Disclosure of Directory Information" form with the Admissions Office by the twelfth day of the semester (sixth day for summer semester). Forms are available in Admissions Office and in [electronic format \(pdf\)](#). Requests submitted after the deadline will be honored; however, disclosure of directory information may have occurred. In addition, Navarro College will honor requests for non-disclosure of directory information from former students. Students who wish to restrict directory information should realize that their names will not appear in the commencement bulletin and other college publications. Also, employers, credit card companies, loan agencies, scholarship committees and the like will be denied any of the student's directory information and will be informed that we have no information available about the student's attendance at Navarro College.

**School Official:** Disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by the College in an administrative, supervisory, academic, or support staff position (including law enforcement unit); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; a student serving on an official committee, such as 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 needs to review an education record in order to fulfill his or her professional responsibility.

**Solomon Amendment:** Pursuant to the Solomon Amendment, Navarro College is required to provide some or all of the following information, upon request, to representatives of the Department of Defense for military recruiting purposes: student's name, address, telephone listing, date of birth (17 years or older), level of education, and academic major (for currently enrolled students only).

**Other disclosures permissible without written consent include disclosure to:** to officials of another school in which a student seeks or intends to enroll; specified officials for audit or evaluation purposes; appropriate parties in connection with financial aid to a student; organizations conducting certain studies on behalf of the College; accrediting organizations; appropriate officials in cases of health and safety emergencies; State and local authorities, within a juvenile justice system, pursuant to specific State law; victims of certain offenses the final results of a disciplinary proceeding regardless of the outcome; anyone the final result of a campus disciplinary proceeding in which a violation of certain offenses occurred; parents of a student under age 21 who violates drug or alcohol laws or policies; comply with a judicial order lawfully issued subpoena.

**Note:** Because the college must make a reasonable effort to notify a student about the subpoena for their education records, all subpoenas for student records must be forwarded to the Registrar's Office.

**Right to File A Complaint**

If a parent or eligible student feels that the college has not fully honored his/her privacy rights under FERPA, a written complaint may be filed with the Family Compliance Office, U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202-4605. The Family Compliance Office investigates each timely complaint to determine whether the educational agency or institution has failed to comply with the provisions of FERPA. A timely complaint is defined as an

allegation that is submitted within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.