

Empire College FERPA Policy

What is FERPA? (Family Educational Rights and Privacy Act)

The Family Educational Rights and Privacy Act of 1974, as amended, is a federal law that protects the privacy of education records of all students who have enrolled in college. The Act provides for the right to inspect and review education records. The Act applies to all institutions that are the recipients of federal funding. The regulations for FERPA can be found in CFR Part 99.

Who is protected under FERPA?

Students who are currently enrolled in higher education institutions or formerly enrolled, regardless of their age or status in regard to parental dependency. Students who have applied but not attended an institution do not have rights under FERPA.

What are education records?

Under FERPA, education records are defined as records that are directly related to a student and are maintained by an education agency or institution or by a party acting for the agency or institution, with the exception of those mentioned below. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, and e-mail.

Education records DO NOT include:

- employment records when employment is not contingent on being a student, provided the record is used only in relation to the individual's employment
- sole-possession records or private notes held by educational personnel which are not accessible or released to other personnel law enforcement or campus security records which are solely for law enforcement purposes
- records in relation to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment
- 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.

What documents can be removed from an education record before the student views the record?

- any information that pertains to another student
- financial records of the student's parents
- confidential letters and statements of recommendation under conditions described in FERPA section 99.12

What is directory or public information?

FERPA allows institutions to identify certain types of information called "directory information" that may be disclosed without student consent at the College's discretion.

Directory information at Empire College is defined as:

- student's name,
- address,
- telephone listing,
- e-mail,
- major field of study,
- dates of attendance,
- enrollment status, (e.g. full time/part time),
- participation in officially recognized activities and sports,
- degrees and awards received,
- the most recent previous public or private school attended by the student
- and any other information authorized in writing by the student.

Restricting release of directory information

According to FERPA, a student can request that the institution not release any directory information about him/her. Empire College students initially give or withhold consent via the Admissions Application. Students may change their decision by filing out a request with the Registrar's office. Request for non-disclosure will be honored by the College until removed by the student. Students who wish to restrict directory information should realize that their names will not appear in any college publications. Also, employers, 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 Empire College.

Who has access to non-directory information?

With several exceptions provided by FERPA, Empire College cannot release personally identifiable non-directory information in an education record without prior written consent from the student. Some examples of non-directory information include:

- birth date
- religious affiliation
- citizenship
- disciplinary status
- ethnicity
- gender
- grade point average (GPA)
- marital status
- SSN/student I.D.
- grades/exam scores
- test scores (e.g., SAT, SLE, etc.)

The student's prior written consent is not required to disclose non-directory information under the following circumstances:

- Access by parents of a student who is under 18 years of age as defined in Section 152 of the Internal Revenue Code of 1986. Parents must present evidence to the school official that they claim the student as a dependent.
- Access by school officials who the institution has determined to have a legitimate educational interest.
- Access by school officials at other schools where the student seeks to enroll.
- A "school official" is any person employed by the College in an administrative, supervisory, academic, research or support staff position (including law enforcement unit, health staff, and student workers); a person or a company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; a person 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.
- Access for the purpose of awarding financial aid.
Personally identifiable information may be required to determine eligibility for aid, the amount of the aid, the conditions for the aid, or to enforce the terms or conditions of the aid.
- Access by the Principal Designated School Official (PDSO) and/ or the Designated School Official (DSO) to international student information as defined in The Federal Register 8CFR Section 214.3(g). The Bureau of Citizenship and Immigration Services requires the PDSO/DSO to update the federal SEVIS database every semester or every time a change occurs in an international student's record.
- Access for the purpose of responding to a subpoena or an ex parte order.
All subpoenas and ex parte orders must be reviewed before any information can be released.

Student's right to inspect, review, and/or correct his/her records

Any student may file a written request with the College to challenge and amend the contents of education records which the student considers to be inaccurate, misleading, or otherwise in violation of his/her privacy or other rights.

What about a health or safety emergency?

The U.S. Department of Education made a conscious decision in 1988 to allow colleges to determine whether there is, in fact, a health or safety emergency that justifies disclosing non-directory information without the student's written consent. Empire College considers the following criteria in determining whether an emergency situation exists: Is the emergency a serious threat to the health or safety of the student or other individual(s)? Is the information to be disclosed necessary to meet the emergency? Are the parties to whom the information is to be disclosed in a position to deal with the emergency?

Is time of the essence in dealing with the emergency?

Filing a complaint

If a student feels that the institution has not fully honored his or her privacy rights under FERPA, a written complaint may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202-4605. The Family Policy 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.