

Policy Student Records 530.1
FERPA GUIDE AND DESKTOP PROCEDURES
January 26, 2017

Definitions

99.3 Definitions:

Education records. (a) The term means those records that are:

- (1) Directly related to a student; and
- (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

(b) The term does not include:

- (1) 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.
- (2) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of §99.8.
- (3)(i) Records relating to an individual who is employed by an educational agency or institution, that:
 - (A) Are made and maintained in the normal course of business;
 - (B) Relate exclusively to the individual in that individual's capacity as an employee; and
 - (C) Are not available for use for any other purpose.
- (ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3)(i) of this definition.
- (4) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education that are:
 - (i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - (ii) Made, maintained, or used only in connection with treatment of the student; and
 - (iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and
- (5) Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
- (6) Grades on peer-graded papers before they are collected and recorded by a teacher. (Authority: 20 U.S.C. 1232g(a)(4))

Release of Student Information

General Guidelines

- In general, direct all requests for student information to the registrar. The registrar, in consultation with the vice president for student services, president, the Office of Risk Management, and/or the College's legal counsel, shall advise or respond directly to the request.

- There may be conditions such as financial obligations, violations of non-academic regulations, etc., under which the College shall withhold transcripts, certificates, or other information about a student. This shall be noted in the student information system.
- Students shall be notified of their rights should a request for records be denied.
- Students may complete the “Request to Prevent Disclosure of Directory Information” form if they do not want to release directory information. This document shall be electronically filed in their student record and also recorded in the electronic student information system. Students can find this document in the Student Records Office or [here](#). Students will need to sign the form in the presence of an Ogden-Weber Technical College employee.
- If the student completes a “Request to Prevent Disclosure of Directory Information” form, the College shall not release any student directory information in response to a directory information request unless required by law. The student may remove a previous block by completing the “Request to Prevent Disclosure of Directory Information” form. Even if a student personally calls to authorize the release of the information, it cannot be provided without the written release.
- In general, information may be shared with College officials with legitimate educational interests. A College official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College.
- Information concerning loans, grants, scholarships, and employment may be released to faculty and administrative staff if such information is judged to be needed in the performance of their respective responsibilities. Financial information shall not be released to any other source outside the College except to federal and state assistance programs unless the student requests specifically, and in writing, that their financial record (or any part of it) may be released. The financial records of the parent of the student or any information contained therein are not available to the student.
- The College complies with the Solomon Amendment which gives the United States military/recruiters the right to access student directory information. Military recruiters are required to contact the registrar to request student information. Student recruiting information shall not be supplied with respect to students who have not reached the age of 17. Additionally, if a student has formally requested to prevent disclosure of directory information from third parties, the information shall be withheld from military recruiters as well.
- Students may access a subset of their own records through the student portal. The portal allows students to view their own student demographic information including, but not limited to, current schedule, attendance, progress summary, unofficial transcript, and account balance. It is password protected, and the student may change the password at any time.
- Student records shall not be taken off College property without the written approval of the student services director or a college vice president.

Release of Student Information to the Student

FERPA affords students the following rights:

- The right to obtain official copies of their academic transcript after submitting a “Records Request” form to the registrar. “Records Request” forms are available in the Student Records Office, Enrollment Office, or online at the College web site. Any financial obligations owed to the College generally must be cleared prior to processing a transcript request. Transcripts shall only be released to the individual student or authorized agent. A student may designate the release of records to another through a written and signed document. (The College may not hold records if there is a bankruptcy request.)
- The right to inspect and review the student's education records within 45 days after making a written request for access. Students shall submit a written request to the registrar identifying the record(s) they wish to inspect. The registrar shall make arrangements for access and notify the student of the time and place where the records may be inspected. Examination of records shall be permitted ONLY under conditions which shall prevent the student from altering, mutilating, or removing any record. In some circumstances, the student may be entitled to have a copy of the records mailed to them.
- The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask the College to amend a record that they believe is inaccurate or misleading. They shall write the registrar, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. The registrar shall coordinate the student’s request with appropriate College officials. If the College decides to amend the record as requested by the student, the registrar shall notify the student of the decision. If the College decides not to amend the record as requested by the student, the registrar shall notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment (see the College’s “Student Grievances and Sanction Appeals” policy). Additional information regarding the hearing procedures shall be provided to the student when notified of the right to a hearing.
- The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to College officials with legitimate educational need to know. College officials have a legitimate need to know if the officials need to review an education record in order to fulfill their professional responsibility. Upon request, the College may disclose education records without consent to officials of another school in which a student seeks to, intends to, or is enrolled in.
- 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. The name and address of the office that administers FERPA is: Office for Civil Rights, Denver Office, U.S. Department of Education, Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582
Telephone: (303) 844-5695 Email: ocr.denver@ed.gov

Release of Student Information to a Parent

When a student enters a postsecondary institution at any age the rights under FERPA transfer from the student's parents to the student. The following exceptions allow disclosure to a parent:

- The student has completed a "Consent to Release Information" form and has identified which information may be released and to whom. This form can be found at the Student Records Office or [here](#) and must be signed by the student in the presence of an Ogden-Weber Technical College employee.
- The student is a dependent of his or her parents for tax purposes. In this case, the College may disclose information from an eligible student's educational records to the parents. If the student is claimed as a dependent by either parent for tax purposes, then either parent may have access under FERPA. To receive information about a student's records, the parent must provide an appropriate tax form with child's name listed as dependent.
- There is a health or safety emergency that involves the student.
- The student has violated any law or policy concerning the use or possession of alcohol or a controlled substance. In this case, the college may disclose the violation to a parent if the student is under the age of 21 or is a dependent student.
- Information is based on a College official's knowledge or observation and is not based on information contained in an educational record.
- The student is concurrently enrolled in both his or her high school and the College. In this case, the two schools may exchange information on the student. If the student is under 18, the parents still retain the rights under FERPA at the high school and may inspect and review any records sent by the College to the high school.
- If the status of the requesting parent(s) cannot be determined, the request shall be referred to a counselor or the student services director.

The College does not release information of applicants or lists of students or names and addresses to businesses or agencies outside the college.

The College may release student record information without the student's consent based on the sixteen exemptions listed in FERPA. * FERPA - Condensed list of Federal Regulations Title 34: Education, Part 99-Family Educational Rights and Privacy is listed at the end of this document

Release of Student Information to Other Individuals and Organizations

- To authorized representatives of the comptroller general of the United States, the secretary of the Department of Education, and state educational authorities which may require records in connection with the audit and evaluation of federally-supported education programs or in connection with the enforcement of or compliance with the federal legal requirements which relate to these programs.
- To organizations conducting studies for or on behalf of the school making the disclosure for the purposes of administering predictive tests, administering student aid programs, or improving instruction.

- To comply with a judicial order or lawfully issued subpoena after proper notification to the student unless prohibited by the order or subpoena.
- To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing with respect to the alleged crime; and
- To any third party the final results of a disciplinary proceeding related to a crime of violence or non-forcible sex offense if the student who is the alleged perpetrator is found to have violated the school's rules or policies.
- If disclosure is required by a state law adopted before FERPA (November 19, 1974) which supersedes FERPA.
- To accrediting organizations to carry out their functions.
- To appropriate parties in a health or safety emergency.
- In connection with a student's request for financial aid to determine the student's eligibility or the amount/conditions of aid, or to enforce terms or conditions of the aid.
- To officials of another school in which a student seeks enrollment.
- If a student is deceased. The College shall, at its discretion, release parts or all of a student's education record to an individual or agency.

Security

- The Information Technology Department is responsible for creating and disabling employee accounts for access to the College's network and systems.
- The manager of institutional reporting and SIS (or designee) is responsible for modifying and disabling secure employee access to modules within the student information system, ensuring that employees' access levels are appropriate for their duties and to provide appropriate security of student records.
- The Center for Teaching and Learning personnel are responsible for granting, modifying, and disabling course access to the learning management system.
- Separate and specific safeguards shall be implemented to prevent unauthorized access to medical, disciplinary, financial, therapeutic, and counseling records based on their unique characteristics and high level of sensitivity. These records shall be stored separately from any other record. Only the counselors and student services director have access to them.

Storage

- Only those records which are necessary in order to meet the College's or students' educational goals shall be kept.
- The student transcript is considered the official record, has a permanent retention, and

shall be stored electronically in the student information system for all students attending from 2000 to present. Prior student records are stored electronically in various document management systems.

- When alternative documentation (alt-doc), e.g., official transcripts from other institutions, testing documentation, industry certificate(s) or license(s), or recognition of training, is used to grant credit, the supporting document shall be given to the registrar and included in the electronic student file. The source for the alt-doc credit shall be noted in the student information system.
- Program/Classroom-level student records shall be managed by program instructors and stored in a secure location within the program area. Most course work that is in written form is stored by the instructor until the class is completed and then destroyed unless there is a specific program accreditation requirement to store the information on a retention schedule. Documentation of tests and coursework completed is entered into the student information system. Students may access program/classroom-level records directly through their instructor.
- Student entrance testing shall be entered into the student information system by testing personnel and stored electronically.
- Loans, scholarships, grant applications, financial awards, and student employment records shall be kept separate from academic/enrollment records.

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* FERPA - Condensed list of Federal Regulations Title 34: Education, Part 99-Family Educational Rights and Privacy

99.31 Under What conditions is prior consent not required to disclose information?

An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by §99.30 if the disclosure meets one or more of the following conditions:

- (1) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.
- (2) The disclosure is, subject to the requirements of §99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment
- (3) The disclosure is, subject to the requirements of §99.35, to authorized representatives of—
 - (i) The Comptroller General of the United States;
 - (ii) The Attorney General of the United States;
 - (iii) The Secretary; or
 - (iv) State and local educational authorities.

- (4) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
- (A) Determine eligibility for the aid;
 - (B) Determine the amount of the aid;
 - (C) Determine the conditions for the aid; or
 - (D) Enforce the terms and conditions of the aid.
- (5) The disclosure is to State and local officials or authorities to whom this information is specifically—
- (A) Allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or
 - (B) Allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of §99.38.
- (6) The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:
- (A) Develop, validate, or administer predictive tests;
 - (B) Administer student aid programs; or
 - (C) Improve instruction.
- (7) The disclosure is to accrediting organizations to carry out their accrediting functions.
- (8) The disclosure is to parents, as defined in §99.3, of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986.
- (9) (i) The disclosure is to comply with a judicial order or lawfully issued subpoena.
- (10) The disclosure is in connection with a health or safety emergency, under the conditions described in §99.36.
- (11) The disclosure is information the educational agency or institution has designated as “directory information”, under the conditions described in §99.37.
- (12) The disclosure is to the parent of a student who is not an eligible student or to the student.
- (13) The disclosure, subject to the requirements in §99.39, is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the institution of postsecondary education with respect to that alleged crime or offense. The institution may disclose the final results of the disciplinary proceeding, regardless of whether the institution concluded a violation was committed.
- (14) The disclosure, subject to the requirements in §99.39, is in connection with a disciplinary proceeding at an institution of postsecondary education. The institution must not disclose the final results of the disciplinary proceeding unless it determines that—
- (A) The student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and

(B) With respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies.

(ii) The institution may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.

(iii) This section applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.

(15) The disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if—

(A) The institution determines that the student has committed a disciplinary violation with respect to that use or possession; and

(B) The student is under the age of 21 at the time of the disclosure to the parent.

(16) The disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the educational agency or institution under 42 U.S.C. 14071 and applicable Federal guidelines.