

# Family Educational Rights & Privacy Act (FERPA)

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## A Parent & Student Guide

Post-secondary officials are regularly asked to balance the interests of safety and privacy for individual students. While the Family Educational Rights and Privacy Act (FERPA) generally requires institutions to ask for written consent before disclosing a student's personally identifiable information, it also allows colleges and universities to take key steps to maintain campus safety. Understanding the law empowers school officials to act decisively and quickly when issues arise.

### FERPA Overview & Information

The Family Educational Rights and Privacy Act is a federal privacy law that gives students certain protections with regard to their education records, such as grades, transcripts, disciplinary records, contact and family information, and class schedules. Parents have a right to review their child's (student) education records and to request changes under limited circumstances. To protect the student's privacy, the law generally requires schools to ask for a written consent before disclosing personally identifiable information to individuals other than the student.

Information included in this document is intended to help students, parents, faculty and staff members understand student rights under FERPA. It also helps define where parent rights end and student rights begin.

### Disclosure to Parents

When a student turns 18 years old or enters a post-secondary institution at any age, all rights afforded to parents under FERPA transfer to the student (eligible student). However, FERPA also provides ways in which schools may—but not required to—share information with parents without the student's consent. For example:

- › Schools may disclose education records to parents if the student is a dependent for income tax purposes.
- › Schools may disclose education records to parents if a health or safety emergency involves their son or daughter.
- › Schools may inform parents if the student is under age 21 has violated any law or its policy concerning the use or possession of alcohol or a controlled substance.
- › Parents whose children receive services under the Individuals with Disabilities Education Act (IDEA) may have additional rights and remedies with regard to their student's education records.
- › A school official may generally share information with a parent that is based on that official's personal knowledge or observation of the student.

Schools must honor a parent’s request to review their student’s education records within 45 days of receiving the request. FERPA requires that schools provide parents with an opportunity to inspect and review education records, but not to receive copies—except in limited circumstances.

## FERPA & Student Health Information

### Health & Safety Information

In an emergency, FERPA (34 CFR § 99.31(a)(10) and § 99.36) permits school officials to disclose—without student consent—education records, including personally identifiable information from those records, to protect the health or safety of students or other individuals. At such times, records and information may be released to appropriate parties such as law enforcement officials, public health officials and trained medical personnel. This exception to FERPA’s general consent rule is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student’s education records. In addition, the Department of Education interprets FERPA to permit institutions to disclose information from education records to parents if a health or safety emergency involves their son or daughter.

### Disciplinary Records

While student disciplinary records are protected as education records under FERPA (CFR §§ 99.31(a)(13) and (14)), there are certain circumstances in which disciplinary records may be disclosed without the student’s consent. A post-secondary institution may disclose to an alleged victim of any crime of violence or non-forcible sex offense the final results of a disciplinary proceeding conducted by the institution against the alleged perpetrator of that crime, regardless of whether the institution concluded a violation was committed. An institution may disclose to anyone—not just the victim—the final results of a disciplinary proceeding, if it determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense, and with respect to the allegation made against him or her, the student has committed a violation of the institution’s rules or policies.

### The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires post-secondary institutions to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make public their campus security policies. It also requires that crime data be collected, reported and disseminated annually to the campus community and to the Department of Education.

The Clery Act is intended to provide students and their families with accurate, complete and timely information about safety on campuses so that they can make informed decisions. Such disclosures are permitted under FERPA.

### Law Enforcement Unit Records

Institutions may designate particular offices or school officials to be responsible for referring potential or alleged violations of law to local police authorities. Investigative reports and other records created and maintained by these law enforcement units are not considered education records subject to FERPA (34 CFR § 99.8). Accordingly, institutions may disclose information from law enforcement unit records to anyone, including outside law enforcement authorities, without student consent.

While an institution has flexibility in deciding how to carry out safety functions, it must also indicate in its policy or information provided to students, which office or school official serves as the college or university's "law enforcement unit."

Law enforcement unit officials who are employed by the college or university should be designated in the institution's FERPA notification as "school officials." With a "legitimate educational interest," as such they may be given access to personally indefinable information from students' education records.

The institution's law enforcement unit official must protect the privacy of education records it receives and may disclose them only in compliance with FERPA. For that reason, it is advisable that law enforcement unit records be maintained separately from education records.

### **FERPA & Student & Exchange Visitor Information System (SEVIS)**

FERPA permits institutions to comply with information requests from the Department of Homeland Security (DHS) and its Immigration and Customs Enforcement Bureau (ICE) in order to comply with the requirements of SEVIS. Those who have specific questions about this and other matters involving international students should contact the U.S. Department of Education's Family Policy Compliance office.

### **Transfer of Education Records**

Finally, FERPA (34 CFR § 99.31(a)(2) and § 99.34(a)) permits school officials to disclose any and all education records, including disciplinary records, to another institution at which the student seeks or intends to enroll. While student consent is not required for transferring education records, the institution's annual FERPA notification should indicate that such disclosures are made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the student about the disclosure, unless the student initiates the disclosure. Additionally, upon request, the institution must provide a copy of the information disclosed and an opportunity for a hearing.

## **Clarkson College Practices Regarding FERPA**

### **Academic Practices**

A school official may generally share information with a parent that is based on that official's personal knowledge or observation of the student. At Clarkson College, the practice is for faculty members and other school officials not to disclose information on grades, academic issues or student financial issues to parents unless the student has authorized the release of FERPA information through MyCC. Faculty members may verify that an authorization is on file with the Registrar's office.

### **Student Services Practices: Parent Rights**

Parents have a right to review their child's (student) education records and to request changes under limited circumstances as long as the student has an authorization to release on file in MyCC.

### Safeguarding Customer Information

Clarkson College complies with federal regulations in accordance with FERPA and the Federal Trade Commission (FTC) rule under the Gramm-Leach-Bliley (GLB) Act to safeguard all student records, including personal financial information.

Before any account or financial information can be disclosed to someone other than the student, the student must authorize the release of FERPA information through MyCC. The student must specify the name of the person to whom their information may be released.

To protect the student's privacy, schools are generally prohibited from disclosing personally identifiable information about students without their written consent as identified above. Exceptions to this rule include:

- › Disclosures made to school officials with legitimate educational interests;
- › Disclosures made to another school at which the student intends to enroll;
- › Disclosures made to state or local education authorities for auditing or evaluating federal- or state-supported education programs, or enforcing federal laws that relate to those programs; and
- › Disclosures including information the school has designated as "directory information."

### Directory Information

FERPA defines "directory information" as information contained in a student's education record that generally would not be considered harmful or an invasion of privacy if disclosed.

Currently enrolled students may withhold disclosure of any directory information under the FERPA Act of 1974. To withhold disclosure, notification must be submitted through MyCC no later than four days after the beginning of the semester at Clarkson College.

Clarkson College hereby designates the following categories of student information as public or "directory information." Such information may be disclosed by the institution for any purpose, at its discretion.

- › Category I: Name, photograph, current and permanent address, marital status, telephone number, dates of attendance, classification and current class schedule.
- › Category II: Previous institution(s) attended, major field of study, awards, honors (includes Dean's List) and degree(s) conferred (including dates).
- › Category III: Past and present participation in officially recognized activities, physical factors and date and place of birth.

Clarkson College assumes that failure on the part of any student to specifically request the withholding of categories of "directory information" indicates individual approval for disclosure.

Clarkson College releases directory information without a student's written authorization unless otherwise directed by the student's completion of the Buckley Amendment Hold form. These forms are available in the Registrar's office and on the College website on the "Forms & Handbooks" page within the Current Students section.

### Law Enforcement Unit Records

Clarkson College relies on the law enforcement units of The Nebraska Medical Center to monitor safety in and around campus.

### Clarkson College Notice of Non-Discrimination

Clarkson College complies with all applicable federal, state, and local laws relating to discrimination and does not discriminate on the basis race, color, religion, ancestry, sexual orientation, physical or mental disability, age, national origin, ethnicity, sex, veteran's status, or marital status in the administration of its educational programs and policies, financial aid, activities or other school administered programs.

The following designated position coordinates compliance with regulations in the implementation of Title IX, Section 504 and the Age Act: Clarkson College, Attn: Human Resources, 101 S. 42 St., Omaha, NE 68131.

## CONTACT

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### FERPA INFORMATION

**Family Policy Compliance**  
U.S. Department of Education  
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### CLARKSON COLLEGE

**Registrar's Office**  
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registrar@clarksoncollege.edu

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