

Family Educational Rights and Privacy Act



1. What is FERPA?

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, is a federal law designed to protect the privacy of education records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction of inaccurate and misleading data. The act applies to all institutions that are the recipients of federal funding.

2. 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.

Parents of students termed "dependent" for income tax purposes may have access to the student's educational records. Deceased students do not have rights under FERPA.

3. What are Educational Records?

With certain exceptions, a student has rights of access to those records which are maintained by an educational institution or party authorized to keep records for the institution. "Educational Records" include any records in the possession of an employee which are shared with or accessible to another individual.

FERPA contains no requirement that certain records be kept at all. This is a matter of institutional policy and/or state regulation. The records may be handwritten or in the form of print, magnetic tape, film or some other medium. FERPA coverage includes records, files, documents, and data directly related to students. This would include transcripts or other records obtained from a school in which a student was previously enrolled.

4. What is not included in an Educational Record?

- 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 relating to individuals who are employed by the institution (unless contingent upon attendance)
- Records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.
- Records of an institution which contain only information about an individual obtained after that person is no longer at that institution (i.e. alumni records)

5. What documents can be removed from an Educational Record before the student reviews it?

- Any information that pertains to another student
- Financial records of parents
- Some confidential letters of recommendation under conditions described in FERPA section 99.12.

6. What is Directory Information?

FERPA regulations define "Directory Information" as information contained in an education record of a student "that would not generally be considered harmful or an invasion of privacy." At HCC, this includes:

- Student name
- Date and place of birth
- Major (curriculum of study)
- Participation in official school activities
- Dates of attendance

- Degrees and awards received
- Class schedule
- Previous educational institutions attended
- Legal and local mailing addresses
- HCC e-mail address
- Photographs taken by the college
- Hometown and high school

7. Who is entitled to student information?

- The student and any outside party who has the student's written consent
- School officials who have "legitimate educational interests" as defined by FERPA
- Parents of a dependent student as defined by the IRS
- A judicial order or subpoena which allows the institution to release records without the student's consent, however, a "reasonable effort" must be made to notify the student before complying with the order.

8. When do you need consent to disclose personally identifiable information from an educational record (including transcripts)?

A signed and dated consent by the student must be obtained before any disclosure is made.

The signed written consent must:

- Specify the records that may be disclosed
- State the purpose of the disclosure
- Identify the party or class of parties to whom the disclosure may be made

9. When is the student's consent not required to disclose information?

- To school officials with a legitimate educational interest
- To federal, state and local authorities involving an audit or evaluation of compliance with educational programs
- In connection with financial aid (this included veteran's benefits)
- To organizations conducting studies on behalf of educational institutions
- To accrediting organizations
- To parents of dependent children (with appropriate documentation on file)
- To comply with judicial order or subpoena
- In a health or safety emergency
- Releasing directory information
- Releasing results of a disciplinary hearing to an alleged victim of a crime or violence

10. How does increasing technology impact FERPA on our campus?

The use of computerized record-keeping systems is increasing at a tremendous rate. Electronic data has replaced most paper documents. HCC will ensure that appropriate policies are established to protect the confidentiality of those records. The same principles of confidentiality must be applied to electronic data as apply to paper documents.

11. Who do I contact at Hutchinson Community College for inspection of my educational records?

The Hutchinson Community College Privacy Officer is the College Registrar. Contact can be made by phoning (620) 665-3500 or by e-mailing Records@Hutchcc.edu

DIRECTORY INFORMATION

Hutchinson Community College personnel reserve the right to refuse the release of any or all of the information listed below if in the institutions judgment the release of the information might compromise the welfare of the student. Any issues resulting from these professional judgments should be taken to the HCC Privacy Officer.

- **STUDENT NAME**
- **DATE AND PLACE OF BIRTH**
- **MAJOR (CURRICULUM OF STUDY)**
- **PARTICIPATION IN OFFICIAL SCHOOL ACTIVITIES**
- **DATES OF ATTENDANCE**
- **DEGREES AND AWARDS RECEIVED**
- **CLASS SCHEDULE**
- **PREVIOUS EDUCATIONAL INSTITUTIONS ATTENDED**
- **PHOTOGRAPHS TAKEN BY THE COLLEGE**
- **LEGAL AND LOCAL MAILING ADDRESSES**
- **HCC E-MAIL ADDRESS**
- **HOMETOWN AND HIGH SCHOOL**

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