SUBJECT: THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a Federal law which states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of student education records.

DEFINITIONS:
1. Education records: Records, in any media, that are directly related to a student and maintained by Lewis-Clark State College (LCSC) or by a party acting for the institution.

   Records NOT protected by FERPA include:
   - records of instructional, administrative, and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute
   - records maintained by College security/law enforcement unit
   - records of employment which relate exclusively to individuals in their capacity as employees (records of students employed by the College as a result of their status as students are education records, e.g. work-study)
   - records created, or maintained by a physician, psychiatrist or other recognized professional acting in his or her professional capacity (including counseling and health records)

2. Student: Any individual who is enrolled in a LCSC credit or non-credit course on the first day of the course.

DIRECTORY INFORMATION:
Lewis-Clark State College considers the following Directory Information and WILL release this information WITHOUT the written consent of the student.

* Full Name
* Major or Program
* Previous Colleges Attended
* Full or Part-Time Status
* Photographs
* Academic Honors
* Email Address
* Athletic Achievements
* Height & Weight of Athletes
* Withdrawal Date
* Dates/Terms Enrolled
* Degrees/Certificates Awarded and Date Conferred

NON-DIRECTORY INFORMATION:
Lewis-Clark College considers the following Non-Directory Information and therefore will NOT release this personally identifiable information without the student’s written consent.

* Date of Birth
* Class Schedule/Roster
* Address/Phone Number
* Transcript
* Gender
* Academic Standing
* Social Security Number
* Student Identification Number
* Parent Address(es)
* Credits (semester/cumulative)
* Entrance Exam Results
* Grades
* Semester/Cumulative Grade Point Average
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If non-directory information is needed to resolve a crisis or emergency situation, the College may release that information to appropriate officials if the College determines that the information is necessary to protect the health or safety of a student or other individuals.

Upon request, LCSC discloses education records without consent to officials of another college in which a student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for the purposes related to the student’s enrollment or transfer.

DISCLOSURE:
Those members of LCSC who act in the student’s educational interest within the limitations of their “need to know” have access to student education records. These personnel are referred to as “school officials” and include members of Student Services, Controller’s Office, Athletics Department, Security, Administration, Community Programs, Distance Learning, all Academic/Professional Technical Divisions, and the College’s attorney.

No one outside the institution shall have access to, nor will the institution disclose any non-directory information from a student’s education record, without the written consent of the student except to those with a legitimate educational interest as listed below:

- Appropriate transfer school officials;
- Authorized officials conducting audits or evaluations;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for, or on behalf of, the school;
- Accrediting organizations;
- Individuals requesting information through a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies;
- State and local authorities, within a juvenile justice system, pursuant to specific State law;
- Officials at other institutions in which the student has already enrolled;
- International sponsors

The release of information to those having legitimate educational interest does not constitute authorization to share that information with a third party without the student’s written consent.

The Registrar shall decide the legitimacy of requests for student information. However, if the Registrar is served with a subpoena requesting student information, the Registrar must comply with the request. Before doing so, the Registrar shall attempt to notify the student of the subpoena in advance of compliance so the student may seek protective action, unless the disclosure is in compliance with a subpoena issued by an agency that has ordered the contents of the subpoena, or the information furnished in response to the subpoena, not be disclosed.

Information on deceased students will only be made available to survivors or third parties via a subpoena to the Registrar.

The Solomon Amendment requires colleges and universities to release information regarding enrolled students to the military for recruitment purposes. Students may restrict disclosure to the military by restricting all disclosure of personal information.
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Students may submit a “Directory Information Restriction Request” form to the Office of the Registrar to prevent directory or non-directory information from being released. This Restriction form is valid for one year and must be re-submitted if the student intends for the restriction to be in effect for a longer period of time.

STUDENT RIGHTS:
FERPA affords students certain rights with respect to their education records. These rights include:

- The right to inspect and review educational records; requests will be complied with no later than 45 days from the date of the student’s written request, which is to be directed to the Office of the Registrar. Students do not have the right to receive a copy of their record unless failure to do so would prevent them from inspecting and reviewing their record, such as when the student no longer lives within commuting distance. LCSC may arrange for these students to inspect the requested records at a school located closer to the student.
- The right to request the amendment of educational records, which the student believes are inaccurate, misleading or otherwise in violation of the students’ rights of privacy. If the Registrar does not agree with the student’s request to amend his/her educational records, the student may submit a written request to the Office of the Dean of Student Services asking for a formal hearing on his/her request. The Dean shall make the final decision regarding the student’s request. If the student disagrees with the decision of the Dean, he/she may submit a written statement which will be placed in his/her official record commenting on the disputed information.
- 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;
- The right to file with the US Department of Education a complaint concerning alleged failures by LCSC to comply with the requirements of FERPA;
- Individuals who apply for admission but are not admitted, and therefore not enrolled, have no rights under FERPA;
- An individual student’s rights under FERPA are no longer valid upon death of that student.

STUDENT SCHEDULES:
The Office of the Registrar will not release class schedules or locations for any student. In the event that a student needs to be contacted, a message will be delivered to the student. However, this will only be done in emergency situations where the health and/or safety of an individual are of concern. It is the responsibility of all students to make available their whereabouts to parents, children, spouses or anyone else they deem appropriate.

The Office of the Registrar is the primary contact for all student information inquiries. Specific concerns regarding FERPA and data privacy can be addressed to Ryan Gill, Associate Registrar at 208-792-2222 or rwgill@lcsc.edu.