

SUBJECT: THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act of 1974 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.

Lewis Clark State College (LCSC) accords all the rights under the law to students. Students are defined as those individuals who are enrolled and have a final admission status. No one outside the institution shall have access to nor will the institution disclose any non-directory (see definition below) information from students' education records without the written consent of students except to personnel within the institution.

Within the LCSC community, only those members, individually or collectively, acting in the students' educational interest, who have legitimate educational interest, are allowed access to student education records. Educational records are defined as those records directly related to a student and maintained by LCSC, or by a party acting for LCSC. These members include personnel in the Office of Registrar, Controller, Financial Aid, Admission, Advising and Health Services, Athletics and academic personnel within the limitations of their need to know. College personnel are determined to have legitimate educational interest if the information requested is necessary for them to:

- Perform appropriate tasks that are specified in his/her position description, or by a contract agreement.
- Perform a task related to a student's education
- Perform a task related to the discipline of a student
- Provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid

It is understood that the release of information to College personnel having legitimate education 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 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 subpoena, or the information furnished in response to the subpoena, not be disclosed.

The Office of the Registrar is the primary contact for all student information inquiries. Lewis-Clark State College considers the following Directory Information and will release this information WITHOUT the written consent of the student.

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

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Students may submit a “Directory Information Restriction Request” form to the Office of the Registrar to prevent the above 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.

Except for the Directory Information identified above and except to the extent that the Family Educational Rights and Privacy Act (FERPA) authorizes the disclosure of information without consent, personally identifiable information from a student’s educational records shall not be released without the student’s consent. This personally identifiable information includes the items listed below.

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|------------------------|---------------------------------|-------------------------|
| * Date of Birth | * Academic Standing | * Entrance Exam Results |
| * Class Schedule | * Social Security Number | * Grades |
| * Address/Phone Number | * Student Identification Number | * Semester/Cumulative |
| * Transcript | * Parent Address(es) | Grade Point Average |
| * Gender | | |

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. If such an occasion arises, a record will be placed in the student’s file indicating what information was disclosed to whom.

The Family Educational Rights and Privacy Act (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.
- 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 Office of the Registrar does not agree with the student’s request to amend their educational records, the student may submit a written request to the Office of the Dean of Student Services asking for a formal hearing on their request. The Dean shall make the final decision regarding the student’s request. If the student disagrees with the decision of the Dean, they may submit a written statement which will be placed in their 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;
- The right to obtain a copy of LCSC’s student records policy (available from the Registrar’s Office, RCH 108); and,
- The right to request the restriction of disclosure of Directory Information. A copy of the “Directory Information Restriction Request” form may be obtained from the Registrar’s Office (RCH 108).

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- 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 except by express written consent.

Students' names, student identification numbers, and social security numbers are given to the Associated Student Body Office for purposes of verification during student elections. This information is returned to the Office of the Registrar after the elections have been validated.

Education records, which are recorded without the student's knowledge, do not 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 of the law enforcement unit, student health records, employment records or alumni records. Health records, however, may be reviewed by physicians of the students' choosing.

Persons who applied for admission but were not admitted, or have not enrolled after the tenth day of a term, have no rights under FERPA.

Students who have ceased attendance, or have graduated from the College have the same rights as students currently attending. They also have the right to submit a "Directory Information Restriction Request" form.

Under common law regarding privacy rights, the privacy interest of an individual expires with that individual's death. However, information on deceased students will only be made available to survivors or third parties via a subpoena to the Registrar.

NOTE:

As of February 14, 1985, messages for students will only be taken in emergency situations where the health and/or safety of an individual is of concern. The Office of the Registrar will not release class schedules or locations for any student, rather a message will be delivered to the student.

It is the students' responsibility to make available their whereabouts to parents, children, spouses or anyone else they deem appropriate.