

Pennsylvania College of Technology

Policy Statement

Title: Family Educational Rights and Privacy Act (FERPA)

Number: P 4.04

Approved by:
Board Action
Presidential Action

Approved Date: 09/1976
Implementation Date: 09/1976
Last Review Date: 02/2021
Last Revision Date: 02/2021

Persons/Departments Affected:
All Students

Responsible Department:
Registrar's Office

Definitions:

Education Records:

Education records are defined as records that contain personally identifiable information about a student and are maintained by the College or someone acting for the College. A "record" is any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm or microfiche.

Excluded from student education records are

- Records kept in the sole possession of the maker (i.e., faculty, College administrators, and staff) that 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.
- Records of the law enforcement unit of the College.
- Records created or received by the College after an individual is no longer a student at the College (e.g., alumni records).
- Grades on peer-graded papers before they are collected and recorded by the instructor.
- Records that relate exclusively to an individual in his or her capacity as an employee that are maintained in the normal course of business, and that are not available for any use or other purpose. However, records relating to an individual who is employed as a result of his or her status as a student are considered part of the education record.
- Records on a student who is 18 years of age or older or is attending the college that are 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, including College Health Services, as long as those records are made,

maintained or used only in connection with the treatment of the student, and are disclosed only to individuals providing the treatment. For this purpose, “treatment” does not include remedial education activities or activities that are part of the program of instruction at the College.

Student:

For purposes of determining whether a record is a student education record, except as otherwise expressly provided in the applicable regulations, “student” means any individual who is or has been in attendance at the College and regarding whom the College maintains education records. Records such as applications, for individuals not admitted to the College are not considered student education records.

Directory Information:

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Penn College directory information includes the following:

- Name
- Address (local, home, and email)
- Month and day of birth
- Telephone number
- Major of student
- Date(s) of attendance
- Class level (freshman, sophomore, junior, senior, or graduate)
- Enrollment status (full-time, part-time)
- Degrees, honors, and awards received
- Date(s) of graduation
- Participation in officially recognized activities and sports
- Weight and height (if student is a member of an athletic team)
- Previously attended educational institutions

Social Security Numbers are prohibited from being designated as directory information; however, in cases where the Penn College identification number of the student is not known, the social security number may be requested for purposes of identifying the appropriate education record. Penn College ensures the privacy and confidentiality of student records and will not disclose any social security number without consent of the student for any purpose except as allowed by law.

Parent:

For purposes of Family Educational Rights and Privacy Act, a “parent” is a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Legitimate Educational Interest:

The demonstrated need to know by those officials of the College who are acting in a student's educational interest, including faculty and staff.

Policy:

- I. In compliance with the Family Educational Rights and Privacy Act (FERPA) (ref: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>), Penn College protects student education records and provides students the right to:
 - A. Inspect and review the student's education records with the following exceptions:
 - i. Education records that are part of his/her parents' financial records.
 - ii. Confidential letters and confidential statements of recommendation related to the student's admission to an educational institution, application for employment, or receipt of an honor or honorary recognition if the student has waived (in compliance with the applicable regulations) his or her right to inspect and review those letters and statements.
 - iii. Education records that contain information on more than one student; the student's right of inspection and review is limited to specific information about that student.
 - B. Seek to have the records amended.
 - C. Have some control over the disclosure of information from the records.
- II. FERPA applies to the education records of students who are, or have been, in attendance at the College, including students in any non-traditional educational delivery processes, such as distance learning.

The College defines "in attendance" as the date that a student's tuition deposit is satisfied. A student's education records are protected by FERPA beginning the date that the tuition deposit is satisfied, and they have confirmed their intent to enroll.

- III. Information from a student's education record may be disclosed (electronically or in print), without the student's consent, to individuals within the institution who have a "legitimate educational interest" as long as those individuals use the information for the sole benefit of the student and the institution. Releasing this information to anyone else is in violation of student rights and College Policy.

FERPA and the regulations under FERPA also permit disclosure of information from a student's education record without the student's consent in certain other circumstances including, but not limited to, disclosure to the parents of a student who is a dependent student, as defined in the Internal Revenue Code; disclosure is to comply with a judicial order or lawfully issued subpoena, subject to certain provisions in the applicable regulations; disclosure to an accrediting organizations to carry out its accrediting function; certain disclosures in connection with financial aid for which the student has applied or has received; and other exceptions set forth in FERPA and the applicable regulations.

- IV. All College employees are required to confirm to whom – and at which level – the student has given access, before disclosing any information contained in a student's education record, for which the student's consent is required.
- V. Except as otherwise provided by FERPA or the regulations under FERPA, written or electronic consent from the student is necessary before granting access or releasing records to a third party, except for directory information. The student's written or electronic consent must:
 - A. Specify the records to be released.
 - B. State the purpose of the disclosure.
 - C. Identify the party or class of parties to whom disclosure may be made.
 - D. Be signed and dated by the student (written); this is captured electronically when the student provides consent via the Student Information System (SIS).
- VI. In cases of a judicial order or subpoena, the parent or eligible student will be sent notice that the College will comply with a subpoena requesting information, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with certain subpoenas or ex parte orders precluding such notice.
- VII. Any student who does not want his/her directory information released must notify the Registrar's Office in writing as provided in related [Procedure 4.04](#). This will also prevent the Registrar's Office from releasing the student's name or address to newspapers for purposes of public recognition (e.g., Dean's list, graduation list, awards, etc.). The student's name also would not be released to employers who may be requesting graduates' names for job searches.
- VIII. Current and former students have the right to inspect and review their education records within 45 days from making a written request. The right of inspection and review includes:

- A. The right to access, with an explanation and interpretation of, the record.
 - B. The right to a copy of the education record when failure to provide a copy of the record would effectively prevent the student from inspecting and reviewing the record. A copy may be refused, but only if, in doing so, the College does not limit the student's right to inspect and review that record.
- IX. Students are notified in writing every semester of the Family Educational Rights and Privacy Act.
- X. Individuals who provide proof of dependency through income tax records can gain access to a student's education records.

Revision History:

- Date: 02/2021 Updated language under directory information.
- Date: 09/2017 Clarified definition of education record and directory information. Added definition for "legitimate educational interest."
- Date: 07/2015 Clarified definition of education record; moved definition of directory information to the definitions section; expanded explanation on disclosures; minor edits throughout for clarity.
- Date: 08/2011 Definition of educational record added; clarification of date upon which students' records begin to be covered by FERPA; clarification of content of a student's consent to release information; update of directory information definition
- Date: 08/2004; 12/2001; 04/1983

Cross References:

- Family Educational Rights/Privacy Act Procedure, [PR 4.04](#)