



“Staying in Compliance”

Faculty/Staff Handbook

Yakima Valley Community College

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Table of Contents

The Essence of FERPA	2
Key Terms and Definitions	2
Student Rights Under FERPA	4
Disclosure of Education Records	4
Directory Information	5
Confidentiality	5
Student Consent	6
Issues for Faculty and Instructional Staff	6
Parental Rights Under FERPA	7
Frequently Asked Questions	8



The Family Education Rights and Privacy Act

The Essence of FERPA

The Family Education Rights and Privacy Act (FERPA) of 1974 (Public Law 93-380), as amended, WAC 132P-33-100, and their implementing regulations, afford students certain rights with respect to their education records and require Yakima Valley Community College (YVCC) to assure that those students' rights are not abridged.

FERPA is a federal law designed to protect the privacy of education records. It also provides guidelines for appropriately using and releasing student education records. It is intended that student's rights be broadly defined and applied. Therefore, consider the student the "owner" of the information in his/her education record, and the institution as the "custodian" of that record.

FERPA protects the privacy of all "education records" in any medium, maintained by Yakima Valley Community College. Although the law was written in 1974, its coverage is not limited to paper copies. All student education records, including records about students contained in computer databases, are protected. It is important to respect the privacy of students. Even though a record is not protected by FERPA, it does not mean that the record can be freely released. For example, other laws protect employment and medical records. Medical records used to accommodate a disability should be kept separately from a student's "education records". Only employees with an education need to know may access student records, and then only those records necessary for the performance of their responsibilities.

Key Terms and Definitions

The following are key terms and definitions of FERPA. These terms help provide clarity and narrow the focus of what is covered under FERPA. It is always important to remember to ask for additional assistance if you ever have a question.

Education Records. These include any record maintained by YVCC that contains information that is personally identifiable to a student (in whatever format or medium). Examples of education records include transcripts, advising files, grades, test scores, financial aid information, veteran status, and billing information. A few narrowly defined exceptions to education records are listed below.

- Records in the "sole possession of the maker" such as private advising notes.
- Law enforcement records created and maintained by a law enforcement agency for a law enforcement purpose.
- Employment records unless the employment is based on student status. The employment records of student employees, such as work-study, are part of the students' education records.
- Medical/psychological treatment records from a health or counseling center.
- Alumni records created after the student graduated or has left YVCC.

Education Official. An education official is defined as a person employed by YVCC in either an administrative, supervisory, academic, research, law enforcement, or supportive staff position. This also includes persons serving on official committees such as disciplinary or

grievance, and includes outside contractors acting as an agent for YVCC or the Washington State College and University system. Student employees of YVCC are also designated as education officials if their job duties require them to work with education records.

Educational Need to Know. An educational need to know, also known as a legitimate educational interest, is a need for an education official to review education records in order to fulfill his/her professional responsibilities. These responsibilities may or may not be limited to the following areas:

- Performing a task that is specified in his/her position.
- Researching a matter related to student discipline.
- Providing a service or benefit related to a currently enrolled student or a past student for which the college is still maintaining an education record.
- Maintaining safety and security on campus.

As a basic rule of thumb, an YVCC employee has an educational need to know in accessing or reviewing a student's education records, if the employee is performing a task that is specified in his/her position description or contract that either relates to a student's education or discipline, or provides a service or benefit to a student. An example of an educational need to know would be an academic advisor who needs to review a student's education record to determine what courses have been and/or need to be completed. This is a task related to advising the student. The advisor would not be authorized to view education records that are not relevant to the task at hand.

Parent. With reference to FERPA, the term parent refers to either parent including custodial and non-custodial.

Student. A student is any individual who is or has been enrolled as a student at Yakima Valley Community College. This includes students who are enrolled in any YVCC course, whether physically attending the Yakima campus of YVCC, YVCC at Grandview, or another off campus site, or virtually attending YVCC through distance education courses. FERPA continues to apply to a student's records even after they have graduated or otherwise left the college.

Student Rights Under FERPA

A FERPA protected college education record begins for a student when he or she enrolls in college. At YVCC, and any post-secondary institution, rights belong to the student in attendance regardless of the student's age. YVCC is required to notify students annually of their rights. This is currently done by posting a message on the YVCC student calendar. FERPA protects four specific rights of students.

Inspect. Students have the right to inspect and review their education records in a timely manner. Specifically, students have the right to inspect their records within 45 days of their request. Exceptions include information about other students, financial records of parents, and confidential letters of recommendation if they waived their right of access.

Amend: Students have the right to request the amendment of their education records that they believe are inaccurate or misleading.

Consent: Students have the right to consent to disclosure of the personally identifiable information contained in their education records. Start with the premise that the student has the right to control to whom his or her education record is released.

Complain: Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Yakima Valley Community College to comply with the requirements of FERPA.

Disclosure of Education Records

Student education records may not be disclosed to anyone unless the student has given written consent, or the request fits one of the legal exceptions. The exceptions to the consent are as follows:

- School officials with legitimate education interest.
- Disclosure to organizations conducting studies to improve instruction, or to accrediting organizations.
- Disclosures to parents of dependent students (IRS definition).
- To comply with a judicial order or lawfully issued subpoena.
- Disclosure for a health/safety emergency.
- Disclosure of directory information.
- Disclosure to another institution where the student seeks to enroll or is enrolled.
- Disclosure in connection with the receipt of financial aid.
- Disclosure to Department of Education, state/local education authorities.
- Disclosure to state/local officials in conjunction with legislative requirements.

However, FERPA allows an institution to define "directory information" that can be released. Consent from a student is not generally required for the release of directory information and it may be viewed and released to the public, unless the student has placed a confidentiality restriction on its release.

Directory Information

YVCC is allowed to designate certain types of information that may be released without seeking written permission from the student. This is known as directory information and may be provided to the person requesting it either in person, by mail, by email, or by telephone. All requests for directory information from persons not employed by YVCC shall be referred to the Registration & Records Office. Only designated registration personnel are authorized to comply with requests for directory information.

YVCC has designated the following items as directory information:

- Student's name
- Photographs
- Major field of study
- Dates of attendance (quarters in attendance)
- Enrollment status (number of credits enrolled)
- Honor roll
- Degrees and awards received
- Most recent previous education institution attended
- Weight and height statistics for members of athletic teams
- Eligibility for participation in officially recognized activities, organizations, and sports

Confidentiality

Students have the right to prohibit the release of directory information. A student may prevent the release of directory information by personally submitting a request in writing to the Registration & Records Office. This request to prevent the release of information becomes a part of the student's record and remains in effect until the student instructs the college, in writing, to remove the hold status on the record.

A student that requests to block the release of their directory information is known as a "confidential" student. Before releasing directory information, you must check to see if the student has the "Confidential" restriction in place. You may not release any information about a student who has established confidentiality of their records - you cannot even acknowledge that the student is or ever was registered at YVCC. Before the release of any student information, please contact the Enrollment Services Office to verify the student has not requested a non-disclosure of directory information. This includes email lists. Faculty that wish to share student's email addresses or other personally identifiable information with a class can do so as long as they do not share the email address of any student who has requested non-disclosure.

Student Consent

When giving non-directory information to a third party about a student, you must have a signed written consent from the student before releasing any personally identifiable information. Personally identifiable means the information would make the student's identity easily traceable.

This is especially important to keep in mind when you use Secure92 to generate reports. Even if you suppress students' names and/or identification numbers, the data available can be assembled in such a way as to make personally identifiable information about specific students likely if you have groups of 10 or fewer records. You must be very careful about the way you generate and use data to assure that personally identifiable information is not released to any unauthorized person. Written consent to release personally identifiable information must include:

- The precise information to be disclosed,
- The purpose of the disclosure,
- To whom the disclosure may be made
- The expiration date of the consent (a maximum of one year)
- The student's signature and date of signing

Issues for Faculty and Instructional Staff

Faculty and staff typically work with a lot of information protected under FERPA. It is always important to keep FERPA in mind when talking in front of the class or a group of students. It is a violation of FERPA to ask the classroom to identify whom is a running start student, veteran, or receiving financial aid. Keep in mind that if you are ever in doubt to ask.

Job References. Faculty and staff of the college may provide job references for students, and may respond to inquiries from employers regarding students. Statements made by YVCC personnel regarding students that are based on that person's personal observations do not require a written release from the student. However, if YVCC personnel provide in either verbal or written form personally identifiable information about a student that is obtained from education records the person is required to obtain the student's consent.

Posting Grades. The public posting of grades by the student's name or student's ID number without the student's written permission is a violation of FERPA. This includes the posting of grades to a class/instructional website and grades listed on daily assignments to be picked up by students. Please consider the options below to provide students with classroom assignment/test scores, or final grades.

- Classroom assignment/tests must be either personally returned to each student by the instructor or having the student pick up their assignment/test score from the department's assistant, who must verify the student's identity by requesting photo ID, before the assignment/test are given to the student.
- Instructors may assign a code word or randomly assigned number that only the instructor and individual student know. Grades can be posted using that identifier.
- Students may also be directed to the YVCC student portal to view their final grades.

Confidential Students in the Classroom Setting. Students cannot choose to be anonymous in the classroom setting. If a student has chosen to be confidential, that does not mean the instructor cannot call on him or her by name in the class.

Sharing Email Addresses. Faculty who utilize electronic teaching tools such as WebCT or Blackboard may wish to share student's email addresses in a class with others in the same class. This is permissible as long as the faculty member does not share the email address of any student who is classified as confidential. Before the release of student email addresses, please contact the Registration & Records Office to verify there are no students enrolled that have requested non-disclosure of directory information.

YVCC Employees who are Parents of Students at YVCC. Parents employed by YVCC requesting access to their children's education records according to FERPA must have an educational interest related to their responsibilities as an education official. If the employee is asking in the context of a parent wanting to know how their child is performing, a signed consent to release non-directory information must be submitted by the student before any non-directory information will be released. Please contact the Registration & Records Office to verify if the student has submitted a signed consent to release non-directory information.

Parental Rights Under FERPA

When a student reaches age 18 or begins attending a post-secondary institution regardless of age, FERPA rights transfer from the parent to the student. Please refer all parent requests for student information to the Registration & Records Office. Records may be released to the parents only if one of the following conditions have been met.

- Through the written consent of the student.
- When in compliance with a subpoena.
- By submission of evidence that the parents declared the student as a dependent on their most recent federal income tax form.

Parents of a Dependent Student. The parents of a dependent student can access some of their child's academic records if they can show, on their most recently filed tax return, that their child is listed as their dependent. The staff of Enrollment Services is authorized, even when release is in effect, to release private information only if the best interests of the student are served by the sharing of information. The following information can be released to the parents of dependent college students:

- Tuition account balances
- Financial Aid eligibility
- Reason for an account hold (not to include titles of library materials)
- Explanation of the satisfactory academic progress policy
- Violation of student conduct policies concerning alcohol and controlled substances

Parents of Running Start Students. When a student reaches the age of 18 or begins attending a post-secondary institution regardless of age, FERPA rights transfer from the parent to the student. YVCC includes a statement of consent in the admission packet for running start students. This allows YVCC to release education records to high schools and parents. Please refer these contacts to the Running Start Office. The Running Start Office will verify the student in question has consented to the release of their education records and handle the request for education records.

Frequently Asked Questions

Question **Can a faculty member obtain a copy of a student's records without the student's written permission?**

Answer Yes. An education official may obtain a copy of a student's records without the consent of the student when the school official has a legitimate educational interest.

Question **I have access to computerized education records. Does this mean I am authorized to view all of the available records?**

Answer No. The confidentiality provisions of FERPA still apply. An education official should access a student's education record only if a legitimate educational interest exists with respect to that student and that record.

Question **What should I do if someone from the media asks for information about a former student who was once a YVCC student?**

Answer Education records are protected by FERPA for former and current students. Thus, education record information about a former student cannot be released without the written permission of the student. Directory information could be released as long as no hold has been placed on the directory information. Alumni records that do not relate to the person as a student may also be released.

Question **Do any special rules apply to transcripts, student IDs, and SSNs?**

Answer Yes. The Registrar is the only person authorized to issue transcripts. An official transcript is issued only when requested by the student in writing. SSNs and student IDs are personally identifiable and are considered non-releasable, private information. They are treated as education records.

Question **What limits apply to the disclosure of information from a student's education record to a third party?**

Answer Records may be disclosed to a third party only if the student has given written permission to the disclosure, or if a legitimate educational interest has been articulated and the third party is an education official.

Question **What if I receive a fax from a student requesting a copy of his/her education records?**

Answer The college policy is to grant a student inspection of records only upon written request. This may be presented in person in the Registration & Records Office with appropriate identification, sent by mail, or sent by fax.

Question **How do I respond to a request for the education records of a deceased student?**

Answer The requestor must provide a copy of the death certificate or the obituary from the newspaper. Requests of this nature should be referred to the Registrar.

Question **May I transmit grades electronically (email) at the student's verbal or written request?**

Answer The transmission of grades electronically (email) to any party, including the respective student, is permitted only with the student's written permission.

Question **Are my private files considered education records?**

Answer Records that are kept in your files for your own use and are not shared with anyone else (other than a substitute) are not considered education records and will not be subject to the release provisions of FERPA. Such records can be kept confidential only if they are kept in the sole possession of the maker and are not accessible or revealed to any other person.

Question **How should course grades be posted?**

Answer Never display student grades or scores publically in association with names, SSNs, or other personal identifiers. If scores are posted, use an agreed upon code known only to you and the student. Under no circumstances should the list of scores be posted in alphabetic sequence by student name.

Question **Does the student's right to amend educational records include requests to change grades?**

Answer The college must change factual information regarding grades and performance in an education record when the student is able to provide valid documentation that information is inaccurate or misleading. The substantive judgment of a faculty member regarding a student's work (expressed in grades and/or evaluation) is not within the purview of FERPA. The act does not give the right to challenge their education records in this regard.

For additional Information contact:

Quinn Hale
Registrar and Director for Enrollment Services
qhale@yvcc.edu
(509) 574-4702

Or visit the U.S. Department of Education's FERPA website at:
<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>