

MARION TECHNICAL COLLEGE
ADMINISTRATIVE POLICY/PROCEDURES

AP 460 Family Education Rights and Privacy Act (FERPA)

Approved 10-21-03

POLICY:

- (A) Student education records obtained or created by Marion Technical College are the property of the College. The Family Education Rights and Privacy Act (FERPA) U.S.C. Section 1232g; 34 CFR Part 99 affords students rights with respect to these education records. These rights are:
- (1) The right to inspect and review their education records.
 - (2) The right to seek to amend their education records.
 - (3) The right to have some control over the disclosure of information from their education records.
 - (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA.
- (B) Students shall be notified of these rights in the Student Handbook.
- (C) Definitions.
- (1) Student – individual who is attending or has previously attended credit classes at the college.
 - (2) Education record – record maintained by the college that contains information directly related to a student.
 - (3) Directory information – data or information not generally considered harmful or an invasion of privacy if disclosed, i.e., name, address including county, email address, telephone number, field of study, dates of attendance, designation of full- or part-time status, degrees and awards received including dean’s list, and photographs.
 - (4) School official – a person employed by the college in an administrative, supervisory, academic, or support staff position; a person or company with whom the college has contracted (such as an attorney, auditor, clearinghouse, or collection agent); a person serving on the board of trustees; or a student who is employed in the college’s offices.
 - (5) Legitimate educational interest – reviewing an education record in order to fulfill a professional responsibility.

- (D) The right to inspect and review their education records.
 - (1) A student may have access to his or her education records except as limited under section 99.12 of 34 CFR Part 99 by submitting a written request to the Office of Student Records (OSR).
 - (2) The OSR will make arrangements for access and notify the student of the time and place where the records may be inspected. If the office does not maintain the records, the student will be notified of the office maintaining the requested records for review.
 - (3) The college will comply with the request in a timely manner but no later than 45 days after receiving the request. Copies will only be made when failure to do so would effectively deny access of the records, such as a former student who does not live within a commuting distance. A fee is charged for copies of education records. The college follows a retention schedule for destruction of records but shall not destroy records if a request for access is pending.

- (E) The right to seek to amend their education records.
 - (1) A student may ask to amend a record he or she believes is inaccurate or misleading by:
 - (a) Submitting a request in writing to the appropriate administrator stating the specific information in question and the reasons for the challenge.
 - (b) The administrator will review the request and notify the student of the decision.
 - (c) If the record is not amended, the administrator will advise the student of his or her right to a hearing regarding the request for the amendment, along with information regarding the college's hearing. This procedure shall not be used when disputing grades.

- (F) The right to have some control over the disclosure of information from their education records.
 - (1) A student may allow access to his or her records by signing and dating a written consent form.
 - (a) The form must state what records may be disclosed, the purpose for the disclosure, and identify the party or class of parties to whom disclosure may be made.
 - (2) The college may disclose directory information and data without prior consent from the student. Should a student wish not have these items disclosed he or

she may notify the college by changing the directory access code during the registration process each quarter or by notifying the OSR in writing at anytime.

- (3) The college also discloses without consent student education records to school officials with legitimate education interests.
- (G) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA.
- (1) A student should contact the OSR if he or she believes that FERPA is not being followed.
 - (2) The OSR will review the allegation and notify the student of its findings.
 - (3) A student may also file a complaint with the U.S. Department of Education by writing to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland AVE, SW
Washington, DC 20202-4605

- (H) The complete version of the Privacy Act is available on the Family Policy Compliance Office website @ www.ed.gov/offices/OM/pco/ or on the college website.

PRIOR APPROVAL DATES: 11-21-97