



DENMARK TECHNICAL COLLEGE

ADMINISTRATIVE POLICY # 03.10.07.05 (2020) FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA) POLICY

Policy Title: Family Educational Rights and Privacy Act of 1974 (FERPA) Policy

Policy Type: Administrative

Policy Number: ADM Policy # 03.10.07.05 (2020)

Legal Authority: Section 59-53-51 of the 1976 Code of Laws of South Carolina, As Amended

State Board Policy:

Approval Date: June 1, 2020

Responsible Office: Office of the Registrar

Responsible Executive: Vice President of Academic Affairs

Applies to: College Community

POLICY STATEMENT:

The Family Educational Rights and Privacy Act of 1974, also known as FERPA or the Buckley Amendment, protects the privacy of student education records while allowing the college to maintain campus safety. Denmark Technical College restricts the disclosure of information from student education records to third parties and provides students the right to review their student education records.

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DEFINITIONS

Legitimate Educational Interest: A College Official has a legitimate educational interest if it is in the educational interest of the student in question for the official to have the information, or if it is necessary for the official to obtain the information in order to carry out his or her official duties or to implement the policies of the Denmark Technical College. Any College Official who needs information about a student in the course of performing instructional, supervisory, advisory, or administrative duties for the College has a legitimate educational interest.

Parent: Includes a parent of a student, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Personally Identifiable Information: A student's name; the name of a student's parent or other family member; the address of a student or student's family; a personal identifier, such as the social security number or student number, or any portion thereof; biometric record (meaning, biological or behavioral characteristics used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, handwriting); other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

College Official: The term "College Official" (sometimes called "School Official") means any person employed by the College in an administrative, supervisory, academic, or support staff position (including law enforcement and health staff). The term also includes any contractor, consultant, volunteer, or other party to whom the College has outsourced institutional services or functions where the outside party—

1. Performs an institutional service or function for which College would otherwise use employees;
2. Is under the direct control of the College with respect to the use and maintenance of education records; and
3. Is subject to the requirements of FERPA governing the use and redisclosure of personally identifiable information from education records.

CONTACT(S)

The Office of the Registrar will officially interpret this policy. The Vice President of Academic Affairs is responsible for obtaining approval for any revisions as required through the appropriate governance structures. Questions regarding this policy should be directed to the Office of Academic Affairs.

STAKEHOLDER(S)

College Community: to include administrative personnel, faculty, staff, and students.

POLICY CONTENT

FERPA requires that students' educational records remain confidential. The student education records of students and formerly enrolled students consist of those records, files, documents and other materials directly related to a student that the college maintains, including digital records. The College maintains student education records, including electronic records, in accordance with the General Records Retention Schedule for the state of South Carolina and Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

I. EXCLUSIONS

Under FERPA regulations, the following records are not considered to be student "education records" and not available for student inspection:

- A. Private notes of faculty and staff;
- B. Campus law enforcement records;
- C. Student's medical or psychiatric records;
- D. Student's employment records;
- E. Parents' financial statements submitted for financial aid

II. DIRECTORY INFORMATION

DTC may disclose without student consent, "directory" information - name of student, address (both local, including e-mail address and permanent), telephone number (both local and permanent), dates of registered attendance, enrollment status (e.g. full-time or part-time), school or division of enrollment, major field of study, nature and dates of degrees and awards received, and participation in officially recognized activities. To restrict publication of directory information, a student must notify the Registrar's office in writing.

III. PERSONALLY IDENTIFIABLE INFORMATION

FERPA regulations specifically prohibit the use of 'personally identifiable information' that, alone or in combination, links or is linkable to a specific student's identity' without the student's permission. Social security numbers are personally identifiable and contain private information that is part of the student's education records. The College may choose to restrict a student's birth date and birthplace as personally identifiable information as a protection from identity theft.

IV. DESIGNATED OFFICIAL

The Registrar is responsible for controlling the privacy, access, and disclosure of student education records.

V. THIRD-PARTY ACCESS

When a student turns 18 years old or enters a postsecondary institution at any age, all rights afforded to parents under FERPA transfers to the student. DTC accords all the rights under this act to independent students. Parents of independent students have no access to student education records unless the independent student signs a release of information for the parent.

DTC may disclose education records to parents without the student's consent when:

- A. The student is a dependent for income tax purposes;
- B. A health or safety emergency involves their child;
- C. A student under age 21 violates any law or college policy concerning the use or possession of alcohol or a controlled substance.
- D. Upon application to the College, students with a dual enrollment status, have provided written consent for their parent or guardian to have access to their student education records. Parent or guardian must provide identification when requesting information.

The parent or guardian of a dependent student requesting access to the student's records must provide a written request and submit documentation to the Registrar's office to verify the student's dependent status, unless a release of information signed by the student already exists.

DTC may disclose student education records to appropriate parties as exceptions under the Act as follows:

- E. DTC employees with a legitimate 'need to know' the student's information
- F. Another institution of higher learning where the student intends to enroll
- G. Persons or organizations providing financial aid to the student
- H. Accrediting agencies carrying out accreditation functions
- I. In compliance with a judicial order
- J. In response to a health or safety emergency
- K. Final results of a disciplinary proceeding to the alleged victim of any crime of violence or no-forcible sex offenses
- L. The results of a disciplinary proceeding to anyone when a student is an alleged perpetrator of a crime of violence or non-forcible sex offense, and the student has committed a violation of the college's rules or policies

- **FACULTY AND STAFF RESTRICTIONS**

The Registrar permits faculty and employees of DTC who have a "legitimate educational interest" in the student education records access to computerized permanent student education records in the college's student records database. The Registrar identifies security levels in the student records database based on the employee's position at the college. Except as noted above, no faculty or employee outside the Registrar's office has access to view student education records without the prior consent of the Registrar and the Vice President for Academic Affairs. The Registrar will report any security violations to the Vice President of Academic Affairs for appropriate action or referral to other college authorities.

- **RIGHT TO VIEW STUDENT EDUCATION RECORDS**

FERPA provides students with the right to inspect and review information contained in their education record. Students may request to review their education records by contacting the Registrar, who will verify the requestor's authenticity and, if appropriate, provide access to the file.

- **CHALLENGE OF THE CONTENTS OF STUDENT EDUCATION RECORDS**

FERPA provides students with the right to challenge the contents of their education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if the decisions of the hearing panels are unacceptable.

Students may challenge the contents of their education records that they consider inaccurate, misleading, or otherwise in violation of their privacy or other rights. The Registrar will receive challenge requests and determine within a reasonable period whether to take corrective action consistent with the student's request. The Registrar will notify students who make challenge requests of the decision(s) the Registrar has reached.

If decisions reached are in accordance with the student's request, the Registrar will correct, amend, or delete the appropriate records. When a student disagrees with the decision, the student has the right to appeal to the Vice President of Academic Affairs whose decision is final. When the final decision is unsatisfactory to the student, the student has the opportunity to place a statement about the information in the education record. The Registrar's office is responsible for maintaining the statement as part of the student's education record for as long as the College retains student records.

- **NOTICE TO STUDENTS**

The College informs students, parents, and guardians annually in both the Academic Catalog and the DTC Student Handbook of the right to access and review their education records.

TITLE: POLICY CONTENTS PUBLICATION

The policy will be widely distributed to the College community. To ensure timely publication and distribution thereof, the Vice President of Academic Affairs will make every effort to:

- Communicate the policy in writing, electronically, or otherwise to the College community, including current and prospective students within fourteen (14) days of approval;
- Submit this policy for inclusion in the Policy Library within fourteen (14) days of approval;
- Post the policy on the College's webpage and all other related webpages, in the student handbook, and the College catalog; and
- Educate and train all stakeholders and appropriate audiences on the policy's content as necessary.

REVIEW SCHEDULE

- Next Scheduled Review: June 1, 2022
- Approval by, date: Area Commissioners, June 1, 2020
- Revision History: None
- Supersedes: N/A

RELATED DOCUMENTS

There are no related documents associated with this policy.

FORMS

Request for Student Information Form