Privacy and Release of Student Education Records, 5.1.20

College Policy

Applies to: Faculty, staff, student employees, contractual agents of the institution, students, parents of dependent students, and individuals requesting access to student information.

Responsible Office — Enrollment Management/The Gateway

POLICY STATEMENT

Information on rights and procedures for inspection, correction, and disclosure of information in the student's record.

Purpose of the Policy

To comply with the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, which sets forth requirements designed to protect the privacy of student education records.

Definitions

Term	Definition
Custodian	Individual or unit that maintains any student-identifiable records.
Directory Information	Term defined under FERPA, which allows certain information about students to be published or released by the institution without consent of the student.
Education Record(s)	A. The meaning of "education records" is, with certain exemptions as listed below, those records, files, documents, and other materials that contain information directly related to a student and are maintained by any employee or contractual agent of the college. B. The following categories of information are exempted and are not considered to be "education records:" 1. Records made by college personnel that are in the sole possession of the maker and are not routinely accessible or revealed to any other person. 2. Records created and maintained by the Office of Public Safety for law enforcement purposes. 3. Medical and counseling records used solely for treatment. (Medical records may be personally reviewed by a physician of the student's choice.) 4. Post-enrollment records related to a former student that do not pertain to an individual's previous attendance (alumni records). Records that pertain to an individual's previous attendance as a student, regardless of when they were created or received by the institution, are education records.
Enrollment/Enrolled	A learner's official registration in one or more credit-bearing courses, meaning courses that carry academic credit applicable toward a degree, certificate, or other recognized credential, and for which the student is recorded as actively registered according to the institution's census or reporting date. Continuing education and new student orientation are not credit bearing courses.
Family Educational Rights and Privacy Act of 1974 (FERPA)	Federal law governing access to records maintained by educational institutions and the release of information from those records. FERPA requires the institution to send a notice to enrolled students annually.
Parent/Guardian	Individual who can legally claim a student as a dependent on federal tax return.
Personal Identification Number (PIN)	A 4-digit number set by a student and used by authorized individual(s) to verify the authenticity of a request to access confidential information.

Policy Details

I. Generally

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A. Students enrolled in one or more credit-bearing courses are protected under FERPA, and their education records are protected in accordance with federal privacy requirements. Beyond FERPA requirements, the institution is committed to protecting all student data at the highest level, regardless of enrollment status.
B. All records pertaining to students that are maintained by departments are official college records, and as such, remain the property of the college.
C. Each department must keep, pursuant to the college Records Retention Schedule, a record of requests and disclosures of student record information except when the request is from the student, a college official with a legitimate educational interest, someone requesting **directory information**, or related to a request with consent from the student. Students have the right to review this record of requests and disclosures of student record information.

II. Annual Notice
A. The Registrar provides students with an annual notice of rights with respect to their education records and a link to this policy.

III. Right to Inspect and Review
A. Students are granted the right to inspect and review their education records, except for financial records of parents.

IV. Right to Challenge Information in Education Records
A. Students have a right to challenge the content of their education records if they consider the information contained therein to be inaccurate, misleading, or inappropriate.
B. This process includes an opportunity for amendment of the education records or insertion of written explanations by the student into such records.
C. The right to challenge grades does not apply under **FERPA** unless the grade assigned was inaccurately recorded, under which condition the record will be corrected.

V. Release Without Consent
A. The college may release the following information without obtaining consent:
1. Requests from faculty and staff of Central Ohio Technical College who have a legitimate educational interest on a "need to know" basis, including student employees or contractual agents of the institution, if necessary to conduct official business, as authorized by the Registrar. Legitimate educational interest includes performing a task related to the regular duties of the employee or contractual agent, the student's education, the discipline of a student, a service or benefit for the student, or maintaining safety and security of the campus.
2. Requests in compliance with a lawful subpoena or judicial order.
3. Requests by parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.
4. In the case of emergencies, the college may release information from education records to appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons.
5. Requests by state authorities and agencies specifically exempted from the prior consent requirements by FERPA.
6. To authorized federal officials who have need to audit and evaluate federally-supported programs.
7. Information submitted to accrediting organizations.
8. Requests for directory information (see Directory Information).

B. The college reserves the right to verify the accuracy of any information contained in what purports to be an official college document (e.g., a transcript or diploma) or information that is provided to a third party.

VI. Consent for Release Required
A. In all other circumstances, the college may release certain information from an education record only with the student's consent.

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B. Students can authorize specific individuals to access information from education records by establishing a Personal Identification Number (PIN) and identifying individuals and information to be released in myCOTC.

VII. Directory Information

A. FERPA requires the college to designate which information about students will be considered directory information. Directory information may be published and/or released without consent.

B. Central Ohio Technical College has designated the following information about students as public (directory) information:

1. Student Name
2. Major field of study
3. Dates of enrollment
4. Degrees, certificates and awards received (to include honors list)
5. Hometown (if different from current residence)
6. Military/Veteran status

C. Students have the right to have this directory information withheld from the public. Each student who wants all directory information to be withheld must notify the Gateway by following the instructions in Section VIII Withholding Directory Information under Procedures.

D. The college receives many inquiries for directory information from a variety of sources, including friends, parents, relatives, prospective employers, other institutions of higher education, honor societies, licensing agencies, government agencies, and the news media.

1. Each student is advised to carefully consider the consequences of a decision to withhold directory information.
2. The college, in all good faith, will not release directory information requested to be withheld, and any requests from persons or organizations outside the college will be refused unless the student provides written consent for the release.

VIII. Accountability

A. It is the responsibility of all faculty, staff, student employees, students, and contractual agents of the college to be informed of and follow the requirements under FERPA to protect student information.

B. Employees who violate this policy may be subject to disciplinary action, including but not limited to termination of employment and/or potential criminal prosecution under applicable federal, state, and local laws.

C. Students who violate this policy are subject to disciplinary action under the Code of Student Conduct and/or potential criminal prosecution under applicable federal, state, and local laws.

D. Other individuals and entities to whom this policy applies who violate this policy are subject to appropriate sanctions, including but not limited to termination of the relationship and/or potential criminal prosecution under applicable federal, state, and local laws.

PROCEDURE

I. Annual Notice to Students

A. The annual notice is sent from the Registrar to enrolled students at the start of each semester to explain the rights of students with respect to records maintained by the college.

B. The notice also outlines the college's procedures to comply with the requirements of FERPA.

C. Copies of FERPA, the federal regulations adopted pursuant to it, and the annual notice are available online at https://www.cotc.edu/post/privacy-records-ferpa.

II. Student Inspection and Review of Education Records

A. Student requests to review education records must be made separately, in writing, to each department

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maintaining records. Each department must respond to requests to review and inspect as soon as possible and no later than 45 days.

B. Information contained in education records will be fully explained and interpreted to students by college personnel assigned to, and designated by, the appropriate department.

C. Students have the right to review only their own education records. When a record contains information about more than one student, disclosure cannot include information regarding the other student(s).

III. Hearing to Challenge Record

A. Students challenging information in their education records must submit, in writing, a request for a hearing to the appropriate department maintaining the record, listing the specific information in question and the reasons for the challenge.

B. Hearings will be conducted by an impartial college official, serving as the hearing officer, who does not have a direct interest in the outcome of the hearing.

C. Students will be afforded a full and fair opportunity to present evidence relevant to the reasons for the challenge, as referenced in Right to Challenge Information in Education Records in Policy Details.

D. The hearing officer will render a decision, in writing, noting the reason and summarizing all evidence presented within a reasonable period of time after the challenge is filed.

E. Should the hearing be in favor of the student, the record will be amended accordingly. Should the request be denied, an appeal may be made, in writing, and submitted to the Registrar within 10 days of the student's notification of the decision of the hearing officer. The appeal will be heard by an appeals board of three impartial senior college officials and a decision rendered, in writing, within a reasonable period of time.

F. Should the appeal be in favor of the student, the record will be amended accordingly. Should the request be denied, the student may choose to place a statement with the record commenting on the accuracy of the information in the record and/or setting forth any basis for inaccuracy. When disclosed to an authorized party, the record will always include the student's statement and notice of the board's decision, as long as the student's record is maintained by the college.

IV. Complaints, Concerns or Suggestions

A. Any student who has reason to believe that the college is not complying with FERPA or this policy should inform the Registrar in writing.

B. The Registrar will promptly review all such allegations.

C. Any student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by Central Ohio Technical College to comply with the requirements of FERPA.

1. Complaints should be submitted in writing through the mail and include pertinent information.
2. The office that administers FERPA is the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington D.C. 20202-5920.

V. Training

A. All employees should complete the appropriate college-provided FERPA training based on their role.

1. Online training is available to the college community (see Resources section for links).
2. Additional information and training may be requested by contacting the Registrar.

VI. Handling Requests for Release of Education Records

A. When faculty, staff, student employees, or contractual agents of the college receive a request for information contained in an education record, they must follow the procedures contained in this policy and the FERPA training.

1. Only requests for information listed in Release Without Consent in Policy Details may be released without consent.
2. All other requests for information may only be released with consent by following Granting

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and/or Obtaining Consent for Release.

B. All questions about handling requests for release of education records should be referred to the Registrar.

VII. Granting and/or Obtaining Consent for Release

A. When the release of information in an education record requires student consent, the student can provide authorization for the college to communicate with specific individuals through the Student Records Release process.

1. Student will log into myCOTC and click on the Student Record Release card.
2. Student will add a person to the release and select which information they can access.
3. Student will create a 4-digit PIN and select the start date.
4. Individuals who are granted access to the student's record must provide both the student ID number and PIN to be able to receive any information.
5. Student should add themselves to the Student Record Release and assign a PIN if they wish to be able to call in to discuss their record.
6. Students can revoke access at any time by adding an end date to the person in the Student Record Release in myCOTC.

VIII. Withholding Directory Information

A. Students requesting to withhold directory information must so indicate by completing the Personal Data Change Form, which is located in the forms repository in myCOTC.

B. At least 10 days should be allowed for processing of these requests.

IX. Maintaining and Disposing of Education Records

A. Student education records must be maintained and stored according to the Records Management Policy.

B. Student education records must be retained and destroyed according to the college's Records Retention Schedule.

X. Type, Location, and **Custodian** of Student Education Records

A. Central Ohio Technical College does not maintain education records in one central office. Education records are maintained in the Gateway-Student Records, Office of Student Life (academic misconduct and disciplinary records), Student Financial Services (financial and related information, student employment, billing and payment information), Office of Academic Affairs (academic program specific records), and other offices.

B. Questions regarding individual student records, including access to them, should be directed to the appropriate location. See list below.

C. Custodians of Student Education Records:

Department	Location	Responsible Party
Academic Affairs	Hopewell Hall	Provost
Student Financial Services	Hopewell Hall	Director of Student Financial Services
The Gateway-Student Records	Hopewell Hall	Registrar
Student Life	Warner Center	Dean of Student Life

Responsibilities

Position or Office	Responsibilities
Registrar	1. Provide students with an annual notice of their rights and a link to this policy. 2. Have available for examination copies of FERPA, the federal regulations adopted pursuant to it, and the annual notice.

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Position or Office	Responsibilities
	3. Review all written allegations that the college is non-compliant with FERPA. 4. Process student requests to withhold release of directory information within 10 days. 5. Conduct FERPA training or provide FERPA training resources upon request
Departments	1. Maintain student education records. 2. Keep records of requests and disclosures of student record information except in certain circumstances detailed in this policy. 3. Respond to students' written requests to review and inspect education records as soon as possible and no later than 45 days. 4. Assign and designate college personnel to explain and interpret information contained in education records to students. 5. Conduct hearings (by an impartial college official) upon receipt of a student's written request to challenge a record. 6. Conduct appeals board hearings (three impartial senior college officials) upon receipt of a student's written appeal to challenge hearing officer determination. 7. Amend records pursuant to the outcomes of challenges and appeals. 8. Obtain student consent whenever releasing information from education records, unless an exception applies. 9. Maintain and store student education records according to the Records Management Policy. 10. Retain and destroy student education records according to the college's Records Retention Schedule.
Students	1. Review the annual notice of FERPA sent via email by the Registrar. *If applicable:* 2. Submit a written request to review and inspect records to the department maintaining the record. 3. Submit a written request for a hearing to challenge the record to the department maintaining the record. 4. Submit a written appeal to the Registrar within 10 days of the notification of the decision. 5. Submit a statement to be included with the record commenting on the accuracy of the information and/or setting forth any basis for the inaccuracy. 6. Inform the Registrar in writing of allegations of college non-compliance with FERPA. 7. Set a 4-digit PIN to each individual they designate as having access to their records in Student Record Release. 8. Complete a Personal Data Change Form to request to withhold release of directory information and allow 10 days for processing. 9. Direct questions regarding student education records to the department maintaining the specific record (see list above).
Employees (including contractual agents)	1. Be informed of and follow the requirements under FERPA to protect student information. 2. Complete appropriate college-provided FERPA training based on role. 3. Follow procedures contained in this policy and FERPA training when receiving requests for information. 4. Refer all questions about handling requests for release of education records to the Registrar.
Hearing officer	1. Conduct hearings upon receipt of a student's written request to challenge a record. 2. Render a written decision to a challenge within a reasonable period of time noting the reason and summarizing all evidence. 3. Submit outcome to Registrar for documentation in student record.
Appeals board	1. Hear appeals and render written decisions within a reasonable period of time after the challenge is filed.

Resources

Training:

FERPA training for student/parents: https://studentprivacy.ed.gov/training/student-privacy-101

Policies:

Records Management Policy: https://www.cotc.edu/sites/main/files/file-attachments/1.1.22_records_management.pdf?1695840133

Records Retention Schedule: https://library.cotc.edu/about-us/records-management/retention-schedules.html

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Forms:

Authorization for Release Information: https://www.cotc.edu/sites/main/files/file-attachments/authorization_for_release_of_information.pdf? 1609881469

Personal Data Change (update directory information): https://www.cotc.edu/sites/main/files/file-attachments/personal_data_change_form.pdf?1609881576

Additional information:

FERPA regulations and recent guidance, AACRAO: aacrao.org/resources/compliance/ferpa

U.S. Department of Education, 1-800-872-5327, https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html

Contacts

Subject	Office	Telephone	E-mail/URL
Policy Interpretation	The Gateway-Student Records	(740) 366-9222	**Porter.1249@mail.cotc.edu**

History

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