

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)	<p>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.</p> <p>B. The following categories of information are exempted and are not considered to be "education records:"</p> <ol style="list-style-type: none"> 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.
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(s)	Individual who can legally claim student as a dependent on federal tax return.

Policy Details

- I. Generally
 - A. All records pertaining to students that are maintained by departments are official college records, and as such, remain the property of the college.
 - B. 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

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

- 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 authorize 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 consent.
 - B. Students can submit a [Confidential Information Release Form](#) to The Gateway-Student Records permitting named individuals to access information from their academic and/or financial records.
 - C. Unless covered under Release Without Consent, consent must be obtained from students for the release of information from education records, specifying what is to be released, the reasons for release, and to whom, with a copy of the record sent to the student if she or he desires. See Consent for Release under Procedures.
- 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

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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 if they so desire. Each student who wants all directory information to be withheld must notify The Gateway by following 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 for persons to examine in The Gateway, Hopewell Hall, 1189 University Drive, Newark, OH 43055.
- II. Student Inspection and Review of Education Records
 - A. Student requests to review education records must be made separately, in writing, to each department 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

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

- 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 Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington D.C. 20202-5920.
- V. Training
- A. All employees should seek out the appropriate college-provided FERPA training based on their role.
 1. Online training is available to the college community.
 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 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 must complete the [Authorization for Release Information](#) and return the completed form to The Gateway-Student Records.
- VIII. Withholding Directory Information

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

- A. Students requesting to withhold directory information must so indicate by completing the [Personal Data Change Form](#) and return the completed form to The Gateway-Student Records.
 - 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	<ol style="list-style-type: none"> 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. 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.
Departments	<ol style="list-style-type: none"> 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.

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Position or Office	Responsibilities
Students	<ol style="list-style-type: none"> 1. Review the annual notice of FERPA sent via email by the Registrar. <p><i>If applicable:</i></p> <ol style="list-style-type: none"> 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. Complete the Authorization for Release Information and return the form to The Gateway-Student Records. 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)	<ol style="list-style-type: none"> 1. Be informed of and follow the requirements under FERPA to protect student information. 2. Seek out 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	<ol style="list-style-type: none"> 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.
Appeals board	Hear appeals and render written decisions within a reasonable period of time after the challenge is filed.

Resources

Training:

FERPA training for faculty/staff, <https://studentprivacy.ed.gov/training/ferpa-101-colleges-universities>

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_policy.pdf?1605026652

Records Retention Schedule, <https://library.osu.edu/documents/records-management/general-schedule.pdf>

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

Confidential Information Release Form,

<https://www.cotc.edu/sites/main/files/file-attachments/cir.pdf?1599714381>

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>



Privacy and Release of Student Education Records, 5.1.20

College Policy

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Contacts

Subject	Office	Telephone	E-mail/URL
Policy Interpretation	The Gateway-Student Records	(740) 366-9222	Rine.60@mail.cotc.edu

History

Issued: Unknown
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