

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, (FERPA) as amended establishes requirements regarding the privacy of student records. FERPA governs:

- The release of educational records maintained by the college
- Access to educational records.

What is an educational record?

Educational records are records, files, documents, and other materials regarding a student, that are maintained by a Granite State College office, department or College official. These records include such items as academic records, financial records, judicial records, etc. Educational Records may not be released to a third party, without written consent of the student, except in situations listed under 'Exceptions to Prior Consent'.

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by Granite State College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of Granite State College who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review and education record in order to fulfill his or her professional responsibilities for Granite State College.

As custodian of student records in compliance with the Family Educational Rights and Privacy Act of 1974, amended in 1998, the College assumes the trust and obligation to ensure the full protection of student records which includes maintaining the confidentiality of educational records.

The College has developed policy guidelines for access to educational records with respect to the rights of eligible students and parents of dependent eligible students. Educational records maintained by the College are considered confidential, except for directory information and information that is exempt from the need for consent.

Information that may be disclosed may be released publicly in verbal, printed, electronic, or other form.

The administrative procedures outlined in this section are complied by College personnel who have access to educational records, which are in a personally identifiable form.

Directory Information is information concerning a student that may be disclosed at the discretion of Granite State College publically through verbal, printed, electronic, or other form without prior consent. The College includes the following as Directory Information:

- Student name
- Address
- Telephone
- E-mail address
- Dates of attendance
- Major or concentration
- Degrees awarded
- Awards received
- Film, video, or electronic images

Exceptions to Prior Consent

The following list includes situations where information in a student's Educational Record may be released to a third party without consent of the student.

- To College officials, including the College's attorney/s, who have a legitimate educational interest.
- To institutions where a student seeks or intends to enroll.
- To USNH branches in compliance with trustee policies.
- To parents of dependent students. (Appropriate IRS forms are required and generally students are notified of the request.)
- In response to Subpoenas/Court orders.
- Information considered "Directory information".
- Notification of judicial outcome to victims of a crime of violence violation.
- Records of deceased former students may be released or disclosed at the request of a spouse, parent, personal representative or other qualified representative of the student's estate, or pursuant to a court order to subpoena.
- Authorized representatives of the Comptroller General, the Secretary of Education, the administrative head of an educational agency, state education authorities, or the Attorney General when investigating government sponsored or affiliated programs.
- Officials responsible for acting in conjunction with the student's application for, or receipt of, financial aid.
- Authorized individuals or organizations conducting studies for or on behalf of the College for the purpose of developing, validating, or administering predictive tests; for administering student aid programs; and for improving instruction. These studies must be conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of the College or such organizations. This information is to be destroyed when it is no longer needed for the purpose for which it was collected. Authorization for such activities will come from the appropriate College administrator.
- Other entities with whom the College has directly contracted to offer/provide approved goods and services.
- If a student initiates legal action against the College.

If educational records are released in situations where prior consent is not needed and a student may not be aware of the release, a reasonable attempt will be made to notify a student of what information was released and to whom it was released.

Rights Under FERPA

Students have the following rights regarding Directory Information and Educational Records:

Right to inspect and review educational records,

Excluding financial aid records of the student's parents or guardian, confidential letters of recommendation where a student signed a waiver of right-of-access, or letters of recommendation written prior to January 1, 1975.

- To gain access a student may be requested to provide proper identification.
- Access to records will be given as soon as reasonably possible and no later than 45 days of the request.
- A designated College official must review and interpret the contents of the record with the student.
- If a student is unable to reasonably review the record in person he/she may request a copy of a particular record, excluding tapes of hearings, and may be charged the reproduction cost of copies. The request for a copy must be in writing and may only be granted if the release of the record will not violate

FERPA rights of any other students. The College has 45 days to respond to this request.

Right to seek to amend records.

If a student contests certain information contained in a specific record he or she may seek to have the particular record amended. To do so, the student must request the amendment in writing to the Registrar. The request does not guarantee that the amendment will be granted.

- The written request must state the specific data the student is requesting to amend and the reason for the request.
- The Registrar may or may not agree to amend the selected information. If the request is denied, the student may request an appeal through the Dean of Academic Affairs.
- The student will receive a written decision as to whether or not the record was amended.
- If the record is amended, an explanation of what was amended will be provided to the student and the amendment will be placed in the student's record.
- If the record is not amended the student has the right to place a written statement with the record he or she is contesting, explaining what information is contested and why he or she is contesting it.

Right to have records released to a third party:

A student may give a College official permission in writing to release educational records to a third party. (Some copies of educational records may not be released to a third party. Such records are determined through the Registrar's office.)

- To do so the student must provide a written statement requesting the release of information. The student must sign and date the request.
- The student must specify which records may be disclosed, the reason the records are to be disclosed, and to whom the records may be disclosed.
- If a student wishes to revoke a previous request for a release, he or she must do so in writing.

Right to have some control over the disclosure of information from educational records:

There are general rights students have under FERPA that are entailed in this section such as having the choice to release information to certain third parties, requesting that directory information not be made public, etc.

Right to request that Directory Information not be made public:

- To do so, a student must submit the Confidentiality Request form to the Registrar's Office.
- The non-disclosure of directory information is an all or none option (either it all may be disclosed or none of it may be disclosed).
- This request will remain in effect until canceled by the student. During this time, the directory information will then be treated the same as educational records.
- Given the fluid nature of electronic information it is not possible to guarantee total non-disclosure but every reasonable effort will be taken to protect confidentiality.

Right to waive access to records:

A student may sign a waiver of right-of-access to confidential recommendations concerning admission, application for employment, references, and/or application for an honor or honorary recognition.

- In such cases, the student, upon request, shall be notified of the names of individuals making such confidential recommendations. These recommendations are used solely for the purpose for which they were intended.
- In the event a student chooses not to sign a waiver of access, such an act may not be considered as a condition for admission, receipt of financial aid, or any other service or benefit from the College.

Right to file a complaint.

A student has 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.

U.S. Department of Education -Office of Civil Rights
33 Arch Street
Ninth Floor
Boston, MA 02110
Phone: 617-289-0111
Fax: 617-289-0150