

Family Educational Rights and Privacy (500.11)

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A. Purpose

Illinois Eastern Community Colleges (IECC) respects the rights of students and their education records regarding privacy, confidentiality, inspection and review, amendment, and disclosure. The intent of this policy is to be in accordance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, 34 CFR Part 99 (collectively, "FERPA"), and other existing requirements, and to ensure that every endeavor is made to keep the student's records confidential and out of the hands of those who would use them for other than legitimate purposes.

B. Definitions

1. *Eligible student*: A student who has reached 18 years of age or is attending a post-secondary institution.
2. *Education record*: Any record directly related to a student and maintained by IECC or by a party acting for IECC. The following documents **are not** considered education records:
 - a) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker;
 - b) Employment records of individuals employed by the colleges other than as student employees;
 - c) Records created or received by IECC after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
3. *Record*: Information recorded in any medium, including, but not limited to, handwritten, printed, computer media, video or audio tape, film, microfilm, and microfiche.
4. *Directory information*: Information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. IECC has designated the following as directory information:
 - a) Name
 - b) Current/permanent address
 - c) Telephone number
 - d) Email address
 - e) Date of birth
 - f) Current term hours carried
 - g) Major field of study
 - h) Classification (freshman, sophomore, continuing)
 - i) Academic unit
 - j) Dates of attendance/anticipated graduation date
 - k) Degrees and honors earned and dates (including commencement)
 - l) Most recent previous educational agency or institution attended prior to IECC
 - m) Participation in officially recognized activity or sport (including weight/height for athletes)
 - n) Picture

5. *Personally identifiable information:* Information contained in an education record of a student which can be used to distinguish or trace an individual's identity. The following are considered personally identifiable, confidential, and **are NOT** directory information. (This is representative in nature and not all-inclusive):
 - a) Social security number
 - b) Student ID number
 - c) Race, ethnicity, nationality
 - d) Gender
 - e) GPA
 - f) Parent information
6. *School officials:* Includes faculty, staff, and administrative personnel employed by IECC. A school official can also be an individual employed by an educational agency that is performing institutional services or functions on behalf of IECC.
7. *Legitimate educational interest:* Generally, a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. Legitimate educational interest will be reviewed by appropriate Student Services staff on a case by-case basis.

C. Rights of Students

1. **Inspect and review education records:** A student may inspect and review his/her education record by completing an Education Record Request Form available from Student Services at the college of attendance.

The appropriate Student Services personnel will comply with this request within 45 days, but generally will not exceed seven working days after the request has been made. Records requested and approved for release may be inspected at the college during normal office hours, Monday through Friday, except on designated holidays or otherwise posted at the college.

Except as limited under 34 CFR part 99.12, IECC may not deny access to education records without providing a description of the circumstances in which the college feels it has a legitimate cause to do so.

Copies of education records can be obtained at a cost of 25 cents per page plus postage, if applicable. To obtain a copy of an IECC transcript, a student must follow the appropriate procedure and pay the transcript fee as outlined in the IECC catalog.

2. **Request amendment of education records:** A student who believes that information contained in his/her education record is inaccurate, misleading, or violates his/her privacy or other rights, may request amendment of the education record under 34 CFR Part 99.20 by applying in writing to the college's Records Office. The student must clearly identify the specific part of the record to be amended and explain why the record should be amended. The college shall decide whether to amend the records of the student, in accordance with the request, within ten working days from the receipt of the request. If the college decides to refuse to amend the education record of the student, in accordance with the request, it shall inform the student of the refusal and advise the student of the right to a hearing under 34 CFR Part 99.21. In the event the college determines insufficient cause to warrant an amendment to the record, the student has the right to add a statement to the record commenting on the contested information or stating why he/she disagrees with the decision. Future disclosures that would include this education record must include the student's statement.

3. Request the release of information: As a general principle, personally identifiable information will not be released to anyone. However, a student has a right to request and consent to the release of his/her information to others. A power of attorney will be treated in the same manner as would the student. A copy of the Release of Information form can be obtained and completed at the college of attendance in the Student Services Office.

a) Under 34 CFR Part 99.31, authorization is given for the release of personally identifiable information contained in education records, without the student's consent, in the following instances:

- To IECC school officials who have a legitimate educational interest. NOTE: Once records have been disclosed to school officials, as defined by Board Policy, disclosure of that information to another entity or individual is prohibited;
- To appropriate parties in health or safety emergencies when knowledge of the information is necessary to protect the health or safety of the student or individuals within the campus community;
- To certain federal, state, and local educational authorities for audit or evaluation purposes, outlined in 34 CFR Part 99.35;
- To accrediting organizations to carry out their accrediting functions;
- To state and local authorities, within a juvenile justice system, pursuant to specific state law;
- To organizations conducting studies for, or on behalf of IECC, to: develop, validate, or administer predictive tests; administer student aid programs; or improve instruction;
- In compliance with judicial order or lawfully issued subpoena;
- IECC officials may disclose the final results of a Title IX disciplinary proceeding;
- To parents of students under 21 years of age regarding the student's violation of any Federal, State, or local law, or of any rule or policy of IECC, governing the use or possession of alcohol or a controlled substance;
- Information concerning registered sex offenders may be released in a manner consistent with federal and state regulations.

IECC will maintain a record of each request for access to any of these disclosures as required by 34 CFR Part 99.32 and a student may inspect and review that record.

b) Under the Solomon Amendment (10 U.S.C. § 983), Military Recruiters are allowed access to some address, biographical, and academic information (limited to "Student Recruiting Information" as defined in the law) on students age 17 and older.

4. Restrict directory information: Directory information may be released from a student's education record upon the request of an outside party, without prior written consent of the student. IECC takes its responsibility to safeguard the privacy of all students very seriously; therefore, all requests by outside parties for student directory information will be considered on an individual basis. As a condition for releasing directory information without permission, public notice is given annually to all students.

Students wishing to restrict release of Directory Information must file the Directory Information Restriction Notification form with Student Records.

5. File a complaint: If a student believes his/her rights have been violated, he/she may file a complaint with the college president or his/her designee. A student may also file a written complaint with the Family Policy Compliance Office at the address listed below:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW.
Washington, DC 20202-
5920

D. Dissemination

All employees are provided a copy of this policy. Faculty and applicable staff are trained on FERPA. Students are made aware of and educated on this policy through freshman orientation, the college catalog, IECC's website, and in handouts distributed by the college's Records Office. Annually, notification of students' rights under FERPA is provided to current students and employees via their IECC email addresses. A copy of this policy will be made available on request to any student.