

**ROGUE COMMUNITY COLLEGE  
GENERAL INFORMATION AND  
ADMINISTRATIVE PROCEDURES**

**Procedure:** **FERPA - PRIVACY, CONFIDENTIALITY, NON-DISCLOSURE (AP-013)**  
**Contact:** Director of Enrollment Services; Ext. 7176 or 7742

**Rogue Community College Policy on the  
Family Education Rights and Privacy Act (FERPA)**

The Family Education Rights and Privacy Act applies to the education records of students, affording them certain rights with respect to those records. For purposes of definition, education records are those records which are:

- Directly related to a student **and**
- Maintained by Rogue Community College or a party acting for the institution.

FERPA gives students who reach the age of 18 or who attend a post secondary institution the right to inspect and review their own education records, the right to request amendment of records and to have some control over the disclosure of personally identifiable information from these records.

FERPA applies to the education records of persons who are or have been in attendance in post secondary institutions, including students in cooperative and correspondence study programs. FERPA does not apply to records of applicants for admission who are denied acceptance or, if accepted, do not attend the institution.

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**Rights under FERPA**

The Family Education Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

**The right to inspect and review the student's education records within 45 days of the day the college receives a request for access.**

To inspect their education records, students should submit a request form to Rogue Central Services for Students on any campus. The Director of Enrollment Services will make arrangements for access and notify the student of the time and place where the records may be inspected. Records may be reviewed, but not released to students whose accounts are in arrears at Rogue Community College.

**The right to request the amendment of the education records that the student believes are inaccurate or misleading. (OAR 581-021-0310(1))**

Students may ask the college to amend a record that they believe is inaccurate or misleading. They should write the college official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

**The right to consent to disclosures of personal identifiable information contained in the student's education records\*, except to the extent that FERPA authorizes disclosure without consent.**

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the college in an administrative, supervisory, academic research, or support staff position including law enforcement unit personnel; a person or company with whom the college has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Education; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

\*A record of disclosures is maintained in Enrollment Services as required by OAR 581-021-0400 for purposes of inspection or review.

**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.** The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

Rogue Community College notifies its students of their Family Education Rights and Privacy Act (FERPA) rights by publishing these rights in each term's Schedule of Classes and in its annual catalog. Student's permanent records are archived electronically and taped back-ups are stored off-campus in encrypted format. Rogue Community College complies with OAR 581-021-0255 on the request for and transfers of student education records.

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**Definition of Education Records**

Those records directly related to a student and maintained by the institution or by a party acting for the institution are considered education records. The term "education records" does not include the following:

- Records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker thereof, and are not accessible or revealed to any other individual except a substitute who performs on a temporary basis the duties of the individual who made the records.
  - Records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement.
  - Records relating to individuals who are employed by the institution, which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available for use for any other purpose.
  - Records relating to a student which are:
    1. Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, acting in his/her professional capacity or assisting in a paraprofessional capacity.
    2. Used solely in connection with the provision of treatment to the student.
    3. Not disclosed to anyone other than individuals providing such treatment.
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### **Definition of Legitimate Educational Interest**

It means the demonstrated need to know by those officials of an institution who act in the student's educational interest, including faculty, administration, student employees, clerical and professional employees, and other persons who manage student records information. Any school official who needs information about a student in the course of performing instructional, supervisory, advisory, or administrative duties for Rogue Community College has a legitimate educational interest.

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### **Directory Information**

Provisions of FERPA allow institutions to define *directory information*, that is, information which is public. Rogue Community College determined that the following student information is directory information: name; mailing address; telephone numbers; e-mail address; dates of enrollment; major field of study; awards, honors, degree(s) conferred; participation in officially recognized sports and activities; most recent previous educational institutions attended; academic credit information, photograph and student ID.

It is Rogue Community College's administrative procedure that directory information may be released only to (1) student organizations, (2) other educational institutions, or (3) local, state, and federal agencies in the performance of their functions. This information may not be further released by any of these agencies. The Director of Enrollment Services must approve exceptions to this policy.

As a service to students and to accommodate other written requests for directory information by individuals, Enrollment Services will forward written messages to a student's current home address. This service does not include notices or information to groups of students.

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## **Students May Request Nondisclosure of Directory Information**

Directory information may be released upon written request unless a student files a Directory Exemption Form available at any Rogue Central counter. The directory exemption will remain in effect until rescinded by the student. Exemption status keeps-an individual's name from appearing in print for press releases or for commencement or other awards and recognition by the college. By completing this form, students restrict their student information to institutional use only. Directory information will not be released to anyone, for any reason (including personal emergencies), at any time.

**NOTE:** Under the Solomon Amendment of 1997, military recruiters are guaranteed access to directory information for all students except those with a directory exemption designated on their records.

For anyone calling for a student who has a directory exemption on record, the following statement will be spoken:

"I have no information on this individual."

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## **Exceptions to Student Consent for Release of Educational Records**

FERPA allows the institution the right to disclose student records or identifiable information without the student's consent under the following circumstances:

- To authorized representatives for audit of Federal or State supported programs.
  - To college employees who are in the process of carrying out their specifically assigned educational or administrative responsibilities acting in the student's educational interest.
  - Veteran's Administration officials
  - Officials of other institutions in which a student seeks or intends to enroll on the condition that the issuing institution makes a reasonable attempt to inform the student of the disclosure unless the student initiates the transfer.
  - Persons or organizations providing financial aid to students.
  - Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, and administer predictive tests, to administer student aid programs or to improve instruction, provided that individual identity of students is not made.
  - Accrediting organizations carrying out their accrediting functions.
  - Parents of a student who have established that student's status as a dependent according to Internal Revenue Code of 1954, Section 152.
  - Persons in compliance with a judicial order or a lawfully issued subpoena, provided that the institution makes a reasonable attempt to notify the student in advance of compliance.
- NOTE:** The institution is not required to notify the student if a federal grand jury subpoena, or any other subpoena issued for a law enforcement purpose, orders the institution not to disclose the existence or contents of the subpoena.

- Persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of students or other persons.
- An alleged victim of any crime of violence, of the results of any institutional disciplinary proceeding against the alleged perpetrator. The information may only be given in respect to the crime committed.
- Schools may disclose personally identifiable information from education records to an outside contractor without prior written student consent if the outside contractor is a "party acting for" the institution and is performing a service which the institution would otherwise have to perform for itself (as in the case of the National Student Loan Clearinghouse for loan verification or Credentials, Inc.).
- To an Educational Service District, state regional program, or other educational agency or institution that has requested the records and in which the student seeks or intends to enroll or is enrolled or receives services from. The term "receives services" includes, but is not limited to, an evaluation or re-evaluation for purposes of determining whether a student has a disability.

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### **Release of Disciplinary Information**

Provisions of the Family Educational Rights and Privacy Act of 1974, as amended by the Higher Education Amendments of 1998, govern access to a student's disciplinary file. The student and/or those college officials who demonstrate a legitimate educational need for disciplinary information may have access to the student's disciplinary file. Parent(s), who provide proof that a student is a dependent as defined in Section 152 of the Internal Revenue Code of 1954, i.e. a copy of the last federal income tax return listing the student as a dependent, can have access to the student's disciplinary file without written consent of the student. In this case, parents may also have access to a disciplinary file, even if the student has requested otherwise.

In addition, parent(s) may be notified if a student under 21 years of age is found responsible for a violation involving use or possession of alcohol and drugs.

The Campus Security Act permits higher education institutions to disclose to alleged victims of any crime of violence (murder, robbery, aggravated assault, burglary, motor vehicle theft) the results of the conduct proceedings conducted by the institution against an alleged perpetrator with respect to such crime. The Campus Security Act also requires that both accused and the accuser be informed of campus conduct proceedings involving a sexual assault.

Additionally, the Higher Education Amendments of 1998 permit disclosure of the final results of disciplinary cases in which a student has been found responsible for a violation involving violence or for a sex offense.

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### **Challenge of the Contents of Education Records**

Institutions must provide students with an opportunity to challenge and amend the contents of their education records which the students consider to be inaccurate, misleading, or otherwise in

violation of their privacy or other rights. Officials who receive challenge requests must decide within a reasonable period of time whether corrective action consistent with the student's request will be taken. The student must be notified of the decision. If the decision is in agreement with the student's request, the appropriate record(s) must be amended. A student who is not provided full relief sought by his/her challenge must be informed by the appropriate official, in writing, of the decision and his/her right to a formal hearing on the matter.

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### **Parental Access to Children's Education Records**

At the college level, parents have no inherent rights to inspect a student's education records. The right to inspect is limited solely to the student. Records may be released to the parents only under the following circumstances:

- Through the written consent of the student,
  - In compliance with a subpoena,
  - In compliance with a divorce decree
  - By submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form (IRS Code of 1954, Section 152).
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### **Posting of Grades by Faculty**

The public posting of grades either by the student's name, full institutional student identification number, or social security number is a violation of FERPA, whether done via paper source or via electronic means (including the World Wide Web). Instructors and others who post grades should use a system that ensures FERPA requirements are met. This can be done by using code words or randomly assigned numbers that only the instructor and individual students know.

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### **Students' Rights After Ceasing Attendance or Graduating**

Students who have ceased attendance or have graduated have basically the same FERPA rights as students currently attending Rogue Community College, including the right to:

- Inspect their education records
- Have a hearing to amend an education record, and
- Have their education privacy protected by the institution.

Once students leave the college they do not have the right to request a directory exemption be placed on their records.

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## **References for Students by Faculty**

FERPA's prohibition on disclosure of personally identifiable information from an education record of a student applies to any kind of non-directory information (e.g., performance in class, grades, attitude, motivation, abilities, background) conveyed in writing, in person, or over the telephone to third parties.

Although such information is usually conveyed by faculty members at the informal request of the student and is usually positive, Rogue's best practice is to request a written consent form, meeting the FERPA requirements, before providing the information.

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## **Written Consent**

Students may release their academic records to their parents, a prospective employer, insurance companies, etc., by providing written consent. The notice of written consent must include the following information:

- It must specify the records to be released (transcripts, etc.)
  - State the purpose of the disclosure
  - Identify the party or class of parties to whom disclosure may be made, and
  - Be signed and dated (within the last calendar year) by the student
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## **Disposal of Student Educational Records**

Information about individuals should be retained only so long as it is valid and useful. Those responsible for academic information have an obligation to destroy information when conditions under which it was collected no longer prevail. Any document containing personally identifiable information must be disposed of properly through some means of confidential disposal. Any student record, i.e. rosters, grade books, scored homework or tests will be disposed of by depositing them in a locked shredding bin on any Rogue Community College campus. Under no circumstances will faculty or staff take students' personally identifiable information off campus for disposal. If you need information on confidential disposal, call Enrollment Services at 541-956-7176.

## **Use of Social Security Numbers**

Providing a Social Security Number is voluntary. To comply with the Tax Payer Relief Act of 1997, Rogue Community College must obtain correct Social Security Numbers (SSN) to file returns with the Internal Revenue Service (IRS) and to furnish a statement to students. The returns filed by RCC must contain information about qualified tuition and related expenses.

Section 6109 of the Internal Revenue Code, requires that people give their correct SSN to agencies who must file information returns with the IRS. The IRS uses SSNs for identification and to verify the accuracy of tax returns. For more information, please refer to Internal Revenue Code section 6050S.

Social Security Numbers become part of permanent student records and will be used for keeping records, doing research, aggregate reporting, extending credit and collecting debts. Social Security Numbers will not be given to the general public. Those who choose not to provide Social Security Numbers will not be denied any rights as a student. Providing a Social Security Number implies consent to use of the number in the manner described.

OAR 589-004-0400 authorizes Rogue Community College to ask students to provide their SSNs. The number will be used by the college for reporting, research, and record keeping. The SSNs will also be provided by the college to the Oregon Community College Unified Reporting System (OCCURS), which is a group made up of all community colleges in Oregon, the State Department of Community Colleges and Workforce Development and the Oregon Community College Association. OCCURS gathers information about students and programs to meet state and federal reporting requirements. It also helps colleges plan, research, and develop programs. This information helps the colleges to support the progress of students and their success in the workplace and other education programs.

OCCURS or the college may provide Social Security Numbers to the following agencies or match with records from the following systems:

- State and private universities, colleges, and vocational schools, to find out how many community college students go on with their education and to find out whether community college courses are a good basis for further education;
- The Oregon Employment Department, which gathers information, including employment and earnings, to help state and local agencies plan education and training services to help Oregon citizens get the best jobs available;
- The Oregon Department of Education, to provide reports to local, state and federal governments. The information is used to learn about education, training, and job market trends for planning, research, and program improvement.
- The Internal Revenue Service for the purpose of filing tax information and supplying 1098T statements to students.
- The Oregon Department of Revenue and collection agencies only for purposes of processing debts if credit is extended to you by the college.
- The American College Testing Service for educational research purposes.

### **Responsibility for Student Records**

The following college administrators may be contacted to discuss the security of your student records:

Curtis Sommerfeld, Associate Dean of College Services  
Korinda Bieber, Dean of Students  
Claudia Sullivan, Director of Enrollment Services