

What is FERPA?

FERPA (The Family Educational Rights and Privacy Act) is a federal law that protects the confidentiality of student records. FERPA applies to all educational agencies and institutions (e.g. schools) that receive funding under any program administered by the U.S. Department of Education.

Students' Rights under FERPA:

Students have the right to review their educational records and to limit the release of information under the College's policy on the confidentiality of student records.

- Inspect and review their educational records.
- Privatize educational records and directory information fully.
- Allow consent for others to have access to all or part of their academic record.
- Request the amendment of their education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights.
- File a complaint with the Family Educational Rights and Privacy Act Office if the College fails to comply with the requirements of the Act.

Schools who are found to be in violation of FERPA face the potential loss of Federal Aid, including Pell Grants and other federal funding. This is a very serious issue!

Parents' Rights under FERPA

When a student reaches the age of 18 or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from the parent to the student. Students may opt to allow parents access to all or part of their academic record. The student can complete a consent form in Enrollment Services. The student can revoke consent at any time.

Directory Information:

Directory information is designated by the institution and can be released without the student's consent and without notifying the student in advance. Students must be provided an opportunity to opt out of release of directory information or to privatize their record fully.

The College considers the following directory information: (1) student's full name; (2) address; (3) ICC email address; (4) affirmation of student enrollment status (full/part-time) and class level; (5) dates of attendance, graduation, intended program of study, degree(s), certificate(s) earned, and honors received; (6) pertinent information relating to participation in officially recognized activities and sports.

The College will only disclose directory information to individuals or entities with legitimate educational interests and in compliance with the Solomon Act. Educational records, student schedules, grades, and other academic information (including drop-out lists) will not be released to parents, guardians, employers or other individuals without written consent of the student. All requests from internal and external entities for the use or release of directory information lists must be reviewed and approved by the Vice President of Student Services in consultation with other offices as necessary.

Opting Out

Students must be provided an opportunity to opt out of release of directory information or to privatize their record fully. Students have the right to restrict disclosure of directory information or to authorize

release to specified individuals. Forms for both restrictions are available in Enrollment Services at the East Peoria and North Campuses.

- If a student opts out of the release of directory information, their directory information will never be released. This includes verification of enrollment or degree attainment for employment, graduation, or other honors, or for notification of opportunities within ICC or as part of a partnership.
- If a student chooses to privatize their record (FERPA Restriction Form,) no information may be released to anyone without the student's in-person consent. The student must conduct all business with the institution in person and will need to show a photo identification for each transaction.

Forms:

1. **FERPA Restriction Form (Enrollment Services Office only)**
2. **Release of Information Form (Enrollment Services Office only)**
3. **Progress Release Form**
4. **Letter of Recommendation Form**

Tips for Staff/Employees

1. If a student fills out the FERPA Restriction Form (available in Enrollment Services,) you can access the student record in PeopleSoft but will see a restriction service indicator on the student's account. This indicator looks like a small window shade.
 - o If this shade icon is present, absolutely no information is to be given out about the student. The only response to the individual asking for information should be: "I'm sorry, I have no information to release on that individual."
 - o Students must complete the form in person with a photo ID.
 - o Questions about the FERPA Restriction or any inquiries on these students should be directed to the Kristina Binard, Interim Dean of Enrollment Management or the Registrar, Nikisha Anderson in Enrollment Services.
2. In some instances, students will provide access to their records to another individual (parent, spouse, agency.) In these cases, students must complete a **Release of Information Form** that will be on file with Enrollment Services.
 - o This form allows the institution to release final grade information (or other designated information from the Enrollment Services Department) to the individual as specified on the form.
 - o Information for this form should only be released by the Enrollment Services Department. All releases of information are tracked with the date of release, information released, and person to which the information is released.
3. If a student wants a faculty member to be able to share information with another individual regarding classroom grades (not final grades), attendance, or other classroom performance, the student must complete the **Progress Release Form**.
 - o This form allows the faculty member to release the defined items to the individual as specified on the form.
 - o The form must be completed in person by the student with the faculty member. This form should be kept by the faculty member for the current term. At the end of the term, all forms can be turned in to the Department Office. These will be forwarded to Enrollment Services to

- be scanned and disposed of accordingly.
- o All releases of information are tracked with the date of release, information released, and person to which the information is released on the back of the form.
 - o At the end of the term, the form should be placed on file in the Division Office. Once the term is over, no information should be released without a new form signed by the student.

*******Nothing in FERPA prohibits a school official from sharing with parents' information that is based on that official's personal knowledge or observation and that is not based on information contained in an education record. Therefore, FERPA would not prohibit a teacher or other school official from letting a parent know of their concern about their son or daughter that is based on their personal knowledge or observation. (<http://familypolicy.ed.gov/content/disclosure-information-education-records-parents-studentsattending-postsecondary>)**

Letters of Recommendation and FERPA:

1. Statements made by a person making a recommendation that are made from that **person's personal observation or knowledge do not require a written release from the student.**
2. However, if personally identifiable information obtained from a student's educational record is included in the letter of recommendation (grades, GPA, etc.), the writer is required to obtain a signed release from the student which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or class of parties to whom the disclosure can be made. Faculty may use the Letter of Recommendation Release Form or if the student provides a Letter of Recommendation form from another institution, a copy of that letter should be kept by the instructor.
3. If this letter is kept on file by the person writing the recommendation, it would be part of the student's education record, and the student has the right to read it unless he or she has waived that right to access in the recommendation form.
4. Another option is to write a letter of recommendation and provide it directly to the student in a sealed envelope. The student can then release the information to the requester.

Information Security Guidelines for All Employees:

- All ICC employees are responsible for protecting the confidentiality of student records.
- "Legitimate educational interest" access to student data is to perform job responsibilities and the individual's role within the college.
- Data stored/transmitted electronically must be secure and only available to those entitled to access it.
- Be vigilant and report any potential information security or FERPA violations.
- Don't post information using student's SSN or ID # (all or partial). - Release non-directory information only with written consent of the student.
- Don't leave sensitive information on your desk or in the view of others when away from the office or desk.
- Shred documents with sensitive information properly and in accordance with the college's records disposal procedures (WHICH WE ARE WORKING ON!!) If you print out a copy of a record and it has the SS# or ID on it, SHRED IT.
- Do not leave graded papers, academic summaries, financial information, health records, for students in open unsecured areas.
- Use secure measures if you need to share lists/info that have ID#, grades, attendance, gender, race, citizenship, religion, or verifications, etc.
- Don't access student record for personal reasons or reasons not related to job responsibilities-**if you**

are a parent of a student, you may NOT access the student's information in the system even if you have a FERPA form on file. This must go through the appropriate channels if you are requesting information.

Students can access their own grades in Blackboard. Under FERPA, you can make grade lists public only if the list is scrambled (not alphabetical) and it does not identify students by any personal information. The system identifiers can only be known to the student and the faculty member.

Sharing Student Information:

1. Employees should not share information that is personally identifiable during a department meeting, in shared office areas, or in general community spaces.
2. Employees should not make contact with local law enforcement or other community agencies on their own. Concerns must be routed through the appropriate channels in order to protect the individual and the college from litigation and to protect the integrity of any investigations.
3. Faculty/Staff may share information about alleged violations of the Student Code of Conduct and Academic Integrity issues with the Dean of Students, their supervisor (Dean, Department Chair, etc.) only in cases where there is a "legitimate educational interest" for both parties.
4. "Legitimate educational interest" is defined as information that is required in the routine course of the job and where an employee cannot reasonably do their job without this information.
5. Faculty/Staff may not share "personally identifiable" information with others, including colleagues, departments, family members, 3rd parties, etc. that do not have a "legitimate educational interest."
6. Faculty/Staff may discuss specific situations with colleagues if the purpose is to determine ways to handle situations or concerns, but only if the student's name is not shared and there are no defining characteristics shared that would enable another employee to reasonably identify the student being discussed. If the situation is documented/shared in writing, all names and identifying information MUST be redacted from the document.
7. In cases where a Student of Concern form is submitted by an employee, that employee has the ability to request information from the Dean of Students about the action taken, as well as the reasoning behind such action. However, there may be situations in which some information that was taken under consideration may not be released based on state and federal laws.
8. If an employee feels that the action was not appropriate for the reported offense, the employee may request a meeting with the Dean of Students and the Vice President of Student Services to review the decision.

Safety Information:

1. Immediate safety concerns must be communicated directly to Campus Police.
2. Behavioral concerns can be communicated to the appropriate supervisor, Dean of Students, Campus Police, or the Vice President of Student Services. Concerns can also be submitted through the Student of Concern process.
3. Any concerns will be investigated by the Campus Police, Dean of Students, or Human Resources. Employees should not make contact with local law enforcement or other community agencies on their own. Concerns must be routed through the appropriate channels in order to protect the individual and the college from litigation and to protect the

integrity of any investigations.

4. Employees have the right as a private citizen to view arrest reports, social media, news reports, etc. However, if that viewing has an adverse impact on a student/individual as a result of the action, the college is at risk and/or the individual is at risk.
5. In cases of imminent or potential concern, the Behavioral Intervention Team will meet. That team will determine what notification is needed for employees and for the campus community.
6. In cases where there is a security issue, all communication will be distributed by the Campus Police, Dean of Students Office, or other designated office and will be done in accordance with our campus communication policies. Information that is shared outside of these channels must be documented, including information on what was shared, the purpose for sharing, and the date and time of the disclosure. This supports the individual in a manner that is defensible in court/responding to investigations.

If you have questions, please contact Nikisha Anderson, Registrar at (309) 694-5581.