



Student Records and Privacy Rights

Student Records and Privacy Rights Policy

Approved by and date:

Board of Trustees 02/12/2018

Executive Leadership Team 01/10/2018

Policy:

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that Kilgore College, with certain exceptions, obtain a student's written consent prior to the disclosure of personally identifiable information from his/her education records.

Kilgore College may disclose appropriately designated "directory information" without written consent, unless the student has advised the College to the contrary in accordance with KC procedures.

Procedures:

Approved by and date:

Executive Leadership Team 01/10/2018

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can be disclosed to outside organizations without a student's prior written consent. Outside organizations include but are not limited to higher education institutions attempting to recruit Kilgore College students for transfer and marketing companies. In addition, the Solomon Amendment requires Kilgore College to provide military recruiters, upon request, with the following directory information categories – name, addresses, telephone listings, age or date of birth, level of education, major, unless students have advised the College that they do not want their information disclosed without prior written consent. A student who does not want Kilgore College to disclose directory information from education records without his or her prior written consent must complete a FERPA Request to Opt Out of Directory Information form, available from the Registrar's Office. This election remains in effect until such time that the student completes a FERPA Request for Revocation of Non-Disclosure of Directory Information form, also available from the Registrar's Office. At least ten days should be allowed for processing a request. Kilgore College has designated the following information as directory information:

- a. Name, address, telephone listings
- b. Date, place of birth
- c. Enrollment status, such as full-time/part-time
- d. Classification
- e. Major field of study
- f. Dates of attendance, awards received, degrees earned
- g. Most recent previous educational institution attended
- h. Weight and height of members of athletic teams
- i. Participation in officially recognized activities and sports
- j. Photographs and other electronic images including audio and video

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

- a. The student's right to inspect and review his/her education records within 45 days of the day Kilgore College receives a request for access. Students should submit to the director of admissions and registrar a written request that identifies the record(s) they wish to inspect. The director of admissions and registrar will make arrangements for access and notify the student of the time and place where the records may be inspected.
- b. The right to request the amendment of the student's education records that the student believes is inaccurate or misleading. Students may ask the College to amend a record that they believe is inaccurate or misleading. They should contact the director of admissions and registrar to identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the director of admissions and registrar decides not to amend the record as requested by the student, the director 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 with the director of admissions and registrar will be provided to the student when notified of the right to a hearing. Note: KC only has the ability to rectify inaccurate or misleading information that it has purview over. KC cannot rectify or change another institution's official records or documents.
- c. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. There are a number of exceptions to FERPA's prohibition against non-consensual disclosure of personally identifiable information from education records. Under these exceptions, schools are permitted to disclose personally identifiable information from education records without consent, though they are not required to do so. Exceptions are as follows:
 1. To school officials that have a legitimate educational interest (definition of school official provided in annual notification published in the Kilgore College Catalog).
 2. To another school in which the student seeks or intends to enroll.
 3. When disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine the conditions for the aid and/or enforce the terms and conditions of the aid.
 4. To the parents of a dependent student as defined in Section 152 of the Internal Revenue Code.
 5. To appropriate parties, including parents of an eligible student, in connection with a health or safety emergency.
 6. To the parents of a student at a postsecondary institution regarding the student's violation of any Federal, State or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance.
 7. Directory information that could include information such as student's name, address, telephone listing, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended, grade level or year and enrollment status.
 8. Under certain conditions:
 - a) To authorized representatives of the Comptroller General of United States, the Attorney General of the United States, the U.S. Secretary of Education and State and local

- educational authorities for audit or evaluation of Federal or State supported educational programs or for the enforcement of or compliance with Federal legal requirements that relate to those programs
- b) To organizations conducting studies for or on behalf of the school making the disclosure for the purposes of administering predictive tests, administering student aid programs or improving instruction
 - c) To comply with judicial order or a lawfully issued subpoena
 - d) To the victim of an alleged perpetrator of a crime of violence or non-forcible sex offense concerning the final results of a disciplinary hearing with respect to the alleged crime
 - e) To any third party the final results of a disciplinary proceeding related to a crime of violence or non-forcible sex offense if the student who is the alleged perpetrator is found to have violated the school's rules or policies

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Kilgore 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, S.W.
Washington, DC 20202-4605

Complaints, Concerns, or Suggestions

Any student who has reason to believe that the College is not complying with the Act or this policy should inform the director of admissions and registrar in writing. The director of admissions and registrar will review all such allegations and respond back to the allegation within five working days of receipt.

Type, Location, and Custodian of Student Records

Questions regarding individual student records should be directed to the appropriate location:

- a. Academic Records: Office of Admissions and Registrar, Devall Student Center
- b. Financial Aid: Office of Financial Aid, Devall Student Center
- c. Career Placement: Office of Counseling and Testing, Devall Student Center
- d. Academic Progress: Office of the Program/Academic Advisor