

# ITEMS FOR DISCUSSION AND ACTION STUDENT AFFAIRS, MARKETING, AND ENROLLMENT

November 14, 2019

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*ACTION:* **First and Final Round Approval of Revisions to Board Policy 3650; Student Records**

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The revisions to Board Policy 3650 indicate that directory information includes local, permanent and email addresses; telephone numbers; and the date of graduation.

The System Office recommends approval of the Revisions to Board Policy 3650; Student Records.

**ATTACHMENTS:**

- Revisions to Board Policy 3650 (PDF)

# STUDENT AFFAIRS, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 3650

Student Records

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## BOARD POLICY

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student records. The Act provides for a student's right to review education records, the right to seek to amend those education records, and to limit certain disclosures of information from education records.

Education records means records that are directly related to a student and are maintained by the College or a party acting for the College.

Education records do not include the following:

- 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 of the record,
- Records of the security department of the College, subject to the provisions of 34 CFR§99.8.
- Records relating to an individual who is employed by an educational agency or institution, that:
  - (a) Are made and maintained in the normal course of business;
  - (b) Relate exclusively to the individual in that individual's capacity as an employee; and
  - (c) Are not available for use for any other purpose.

*Note: records relating to a student who is employed as a result of his or her status as a student are education records.*

- Records on a student that are:
  - (a) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
  - (b) Made, maintained, or used only in connection with treatment of the student; and
  - (c) Disclosed only to individuals providing the treatment. "Treatment" does not include remedial educational activities or activities that are part of the program of instruction at the College.
- Records created or received by the College after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
- Grades on peer-graded papers before they are collected and recorded by a faculty member.

### **Right to Review Education Records**

With certain exceptions, a student has a right to review records which are directly related to him/her and are maintained by the College. A student request to see his/her file is to be sent to the office which maintains the file and will be honored within forty-five (45) days. Students must pay for the cost to make copies of any records. Parents of dependent students have the right to review information about their children, such as grades, bills, and other information without having to gain students' consent as long as dependency is documented to the College.

### **Releasing Information Pursuant to Student Consent**

Except as authorized by this policy, non-directory information (as defined below) will be released only upon the written request of the student.

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When information is released from a student's file pursuant to the student's written consent, the consent document, the reason(s) for the release, and the name of the recipient of the release must be attached to the copy of the data released, which is kept in the file. The recommendation or data released must include a statement that the information is not to be released to anyone else without the student's written consent.

**Releasing Information Without Student Consent**

Colleges may, upon written request, release non-directory personally identifiable education records without student consent in accordance with FERPA and federal regulations. A record of such releases to third parties must be maintained by the College. No consent from the student is required for the release of, or access to, an education record or personally identifiable information under the following circumstances:

- a) By school officials who have a legitimate educational interest. School officials include a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health center staff); a person serving on a board or committee; 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 the College who performs an institutional service or function for which the College would otherwise use its own employees and who is under the direct control of the School with respect to the use and maintenance of information from 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 a record in order to fulfill his or her professional responsibilities for the College. This includes, but is not limited to, performing an administrative task outlined in that official's duties; performing a supervisory or instructional task directly related to a student or the College; or performing a service or benefit for the student or the College such as health care, job placement, security, residential services, the acquisition of learning materials or student financial aid.
- b) In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
- c) To organizations conducting studies for, or on behalf of, the College, in order to: (i) develop, validate, or administer predictive tests; (ii) administer student aid programs; or (iii) improve instruction.
- d) To accrediting organizations to carry out their accrediting functions.
- e) To parents of a student if the student is a dependent for IRS tax purposes.
- f) To comply with a judicial order or lawfully issued subpoena.
- g) To appropriate officials in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of students or other persons.
- h) To the victim and/or the general public the final result of a campus disciplinary proceeding involving a violent crime or non-forcible sex offense where the accused was found to have violated College rules or policies.

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POLICY: 3650 Student Records

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- i) To an official of another school, school system, or institution of higher education in which a student seeks or intends to enroll. Colleges shall provide access to education records of students who apply for admission and/or transfer within the NSCS whenever such records are requested by another NSCS College without obtaining student consent for such a release.
- j) Directory information, as described below.
- k) Other disclosures not listed above as permitted by FERPA and other applicable laws.

## Directory Information

Colleges may disclose directory information relating to a student without violating FERPA, unless a student has restricted the disclosure of his/her directory information in the Student Information System. Directory information consists of:

- *Student's name*
- ~~*Permanent Address (local, permanent, and electronic mail): limited to the identification of city, state and country*~~
- *Telephone numbers*
- *Participation in officially recognized activities and sports*
- *Weight, height and photographs of athletic team members*
- *Degrees, honors, and awards received*
- *Major field of study*
- *Dates of attendance (only beginning and end dates of semesters)*
- *Year in school*
- ~~*Enrollment status (full/part-time)*~~
- ~~*Date of graduation*~~
- ~~*The most recent previous educational agency or institution attended*~~  
~~*The most recent previous educational agency or institution attended*~~

## Filing Complaints

Persons wishing to file complaints regarding this policy or its implementation may do so with the U.S. Department of Education. See the Vice President for Student Affairs for further information regarding such matters.

Legal Reference: 20 USC 1232g  
RRS 43-2101 Persons declared minors; marriage, effect  
RRS 84-712.05 (1) Records which may be withheld from public  
The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)

Policy Adopted: 1/28/77  
Policy Revised: 8/9/80  
Policy Revised: 6/5/93  
Policy Revised: 5/21/01  
Policy Revised: 3/31/06  
Policy Revised: 9/10/10  
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