

BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
ITEMS FOR DISCUSSION AND ACTION\STUDENT AFFAIRS, MARKETING, AND
ENROLLMENT

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

Proposed revisions to Policy 3650 provide a definition of student in order to clarify the point at which the Family Educational Rights and Privacy Act (FERPA) protections apply to education records.

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

ATTACHMENTS:

- Revisions to Board Policy 3650 (PDF)

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY
NAME: Student Records

POLICY
NUMBER: 3650

A. PURPOSE

To comply with the Family Educational Rights and Privacy Act (FERPA) to protect the privacy of student records, the following addresses a student's right to review education records, the right to seek to amend education records, and to limit certain disclosures of information from a student's education record.

B. DEFINITIONS

1. **Student:** An individual currently or previously enrolled or registered in the College's education program or activity.

None

C. POLICY

1. Education Records

The education records means those records directly related to a student and maintained by the College or a party acting on behalf of the College. Education records do not include the following:

- 1.1. Records kept in the sole possession of the maker, used only as a personal memory aid, and not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- 1.2. Records of the security department of the College, subject to the provisions of 34 CFR §99.8.
- 1.3. Records relating to an individual who is employed by an educational agency or institution, other than records relating to a student who is employed as a result of their status as a student which are education records, that
 - Are made and maintained in the normal course of business;
 - Relate exclusively to the individual in that individual's capacity as an employee; and

- Are not available for use for any other purpose.
- 1.4 Records on a student:
- Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in their professional capacity or assisting in a paraprofessional capacity;
 - Made, maintained or used only in connection with treatment of the student; and Disclosed only to individuals providing the treatment. “Treatment” does not include remedial education activities or activities that are part of the program of instruction at the College.
- 1.5 Records created or received by the College after an individual is no longer a student in attendance and are not directly related to the individual’s attendance as a student.
- 1.6 Grades on peer-graded papers before they are collected and recorded by a faculty member.

2. 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 their 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.

3. Releasing Information Pursuant to Student Consent

- 3.1. Except as authorized by this policy, non-directory information, as defined herein, will be released only upon the written request of the student.
- 3.2. 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.
- 3.3. 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.

4. Releasing Information Without Student Consent

- 4.1. 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:
- 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 their tasks.
- A school official has a legitimate educational interest if the official needs to review a record in order to fulfill the official's 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.
- 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.
- 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.
- To accrediting organizations to carry out their accrediting functions.
- To parents of a student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with health or safety emergency if knowledge of the information is necessary to protect the health or safety of students or other persons.
- 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.

- 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.
- Directory information, as described below.
- Other disclosures not listed above as permitted by FERPA and other applicable laws.

5. Directory Information

- 5.1. Colleges may disclose directory information relating to a student without violating FERPA, unless a student has restricted the disclosure of the student's directory information in the Student Information System.
- 5.2. Directory information consists of:
 - Student's legal name and chosen name
 - Address (local, permanent, and college-assigned electronic mail)
 - 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

6. 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 or Dean responsible for Student Affairs for further information regarding such matters.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: 20 USC 1232g The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99)

Neb. Rev. Stat. 43-2101 Persons under nineteen years of age declared minors; marriage, effect; person eighteen years of age or older; rights and responsibility.

Neb. Rev. Stat. 84-712.05(1) Records which may be withheld from the public; enumerated.

Policy Adopted: January 1977

Policy Revised: August 1980, June 1993, May 2001, March 2006, September 2010, January 2012, April 2014, June 2015, June 2017, November 2019, July 2021, June 2022, [September 2023](#)