

**Family Educational Rights and Privacy Act
(FERPA)
Policies and Procedures Manual**



Introduction/Purpose/Application:

The Family Educational Rights and Privacy Act of 1974 (FERPA) provides students certain rights of access, privacy, and protection of education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

This policy provides information relating to the rights of students under FERPA and Coker University's policies and procedures when complying with FERPA and protecting student data. This policy applies to anyone who maintains, accesses, or otherwise uses education records on behalf of the University, which includes faculty, staff, and other University representatives with access to student education records, as well as all students.

Definitions:

- Directory Information - Term defined by FERPA to define a subset of Education Records which may be released without a student's consent. For a list of the items that the University treats as directory information see Section II, Part 3B below.
- Education Records - Term defined by FERPA to describe records that are directly related to a student and are maintained by an educational institution or by a party acting for the institution.
- Personally Identifiable Information (PII) - Information that would reveal the identity of a student or make the student's identity easily traceable.
- Student – FERPA defines a student as an individual who has reached 18 years of age or is attending a postsecondary institution at any age. At Coker University, we define a student as someone currently or previously enrolled in any academic offering of the University. Attendance includes in person, online, independent study, or by distance education. FERPA becomes effective on the first day of classes for those newly admitted students who have scheduled at least one course.

A student who has accepted an admission offer but did not schedule at least one course, or a newly admitted student who canceled his/her registration either before or after the semester begins, is not covered under FERPA.

I. Annual Notification

The University will notify currently enrolled students of their rights under FERPA by submitting an annual notice by September 1st to all student emails and via CobrAnnouncement. This information will also be included in the academic catalog and on the University's website.

II. Student Rights

1. *Inspection and Review of Education Records.* Students have the right to inspect and review their education records within 45 days of the day the appropriate University office receives a request for access. Students should submit a written request that specifically identifies the education record(s) they wish to inspect and review to the Office of the Academic Records. Note that a request to inspect and review "all records" is not normally sufficient to identify records for inspection and review. The Office of the Registrar will work with the student and the applicable office to facilitate arrangements for the date, time, and place where the records may be inspected.

Students do not have the right to inspect their parents' financial records, letters of recommendation and/or confidential letters, nor records that contain information about other students.

2. *Amendment of Student Education Records.* Students may request that the University amend an education record that they believe is inaccurate, misleading, or otherwise in violation of their privacy rights. A student seeking an amendment should write the University official responsible for the record, specifically identify the part of the record the student is requesting to have amended, and provide

evidence as to why it is inaccurate, misleading, or in violation of the privacy rights of the student. Note that the basis for changing the records relate to the record as of the time it is made. Later changes in circumstances may not be used as a basis for retroactively changing the record. The FERPA amendment procedure may be used to challenge facts that are inaccurately recorded; it may not be used to challenge a grade, an opinion, or a substantive decision made about a student. FERPA does not override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations.

The University will consider the request; however, it is not required to amend the record in accordance with the request. Should the University decide not to amend the record in accordance with the request, the University will notify the student of the decision and inform the student of their 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 (if applicable). If, as a result of the hearing, the University still decides not to amend the record, the University will inform the student of their right to insert a statement in the record commenting on the contested information and/or stating why they disagree with the decision of the University. The University will maintain that statement with the contested part of the student's record for as long as the record is maintained at the University.

3. Disclosure of Education Records. A student's education records may only be disclosed to third parties with the prior written consent of the student. Coker University does not disclose education records to the parents of any student without written consent as they are considered a third party by the University (See Section IV below for details regarding prior written consent). However, certain education records may be disclosed without the prior written consent of a student pursuant to specific exceptions under FERPA that include, but are not limited to, the following:

A. Disclosures to University officials with legitimate educational interests. A University official is a person employed by the University in an administrative, supervisory,

academic, research, or support staff position; a person or company with whom the University has contracted; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University official in performing their tasks. A University official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility; Requests for information are handled on a case-by-case basis.

- B.** The University may disclose directory information without the consent of a student. The primary purpose of disclosing directory information is to allow Coker to include student information in certain publications such as commencement programs, recognition of awards, and athletic associated content. Information that is not specifically stated as directory information is protected. Coker University designates the following information as directory information:

Student's name
Hometown, State, and/or Country
Coker email address
Major or minor fields of study
Classification (year of study)
Eligibility for honor societies
Date of admission
Dates of attendance
Athletic and student organization participation
Athletic statistics and description including weight, height, and position
Enrollment status
Degrees, awards, and honors received
Photographic, Video graphic, and electronic images
Student employment (Internship and work-study status)
Relationship to University Alumni

Federal law prohibits the disclosure of the following information so it can never be considered directory information. This includes:

Social Security Number
Race/Ethnicity
Gender
Grades
GPA
Country of Citizenship/Nationality
Religion
Academic Standing
Class Schedule
Next-of-kin

Directory information may be released without prior written approval unless notified in writing by the student that all information is to be held in confidence by the University. Requests to withhold directory information should be sent in writing to the University Registrar. The student's records will be kept confidential until the student requests in writing that the confidentiality hold be removed (See section III).

- C.** Disclosure to comply with a judicial order or a lawfully issued subpoena. In such cases, the University will make a reasonable effort to notify the student in advance of compliance unless prohibited by the terms of the subpoena or court order;
- D.** Disclosure in connection with financial aid for which the student has applied or which the student has received, as necessary to determine eligibility, amounts, or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- E.** Disclosure, upon request, to officials of another educational institution where the student seeks or intends to enroll or is already enrolled;
- F.** Disclosure in connection with a health or safety emergency;

G. Disclosure of the results of an institutional disciplinary proceeding against the alleged perpetrator of a crime of violence may be released to the alleged victim of that crime with respect to that crime;

H. Disclosure of the final results (name, violation committed, and sanction imposed) of a disciplinary proceeding against a student who is an alleged perpetrator of any crime of violence or a non-forcible sex offense if, as a result of the proceeding, it is determined that the student committed a violation of University rules or policies with respect to such crime or offense;

I. Disclosure to parents or guardians of information concerning violations of law or University policies or rules regarding the use or possession of alcohol or controlled substances if the student has been found to have committed a disciplinary violation regarding that use or possession and the student is under the age of 21 at the time of disclosure.

J. To certain authorized government representatives in connection with an audit of federal- or state-supported education programs or with the enforcement of or compliance with federal legal requirements relating to those programs;

K. To organizations conducting studies for or on behalf of the University to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction;

L. To accrediting organizations to carry out their accrediting function;

FERPA also does not cover sole possession records (records maintained by staff or faculty that were never shared or coordinated with another person), records kept by campus safety that are designated for law enforcement, nor any information obtained after a student graduates.

III. Directory Information Block

Students may restrict the release of directory information to third parties by initiating a directory block at any time. Students will complete [this form](#) to initiate the block. A student is not allowed to choose some directory information for disclosure. They must choose to allow or block all directory information.

When the form is submitted the Office of Academic Records will note in Colleague on the BIO screen that the student is to be excluded from directory information release. OAR will then notate in Colleague on the CRI screen to withhold directory information with the code WDIR.

Should a student decide to issue a directory block, the student's record will be marked as confidential, which will bar the University from responding to any requests for information about the student except where permitted or required under FERPA, such as when the University receives a subpoena. Implications of invoking a directory block include, but are not limited to:

- a. The student's name will not appear on the Coker website for any reason.
- b. The University will be unable to verify enrollment or degrees conferred (this includes potential employers who want verification of degree(s));
- c. The University will not acknowledge any record of the student to any person or entity who inquires; and
- d. The student's name will not be released to honor societies and award programs even if honors criteria are met.
- e. Upon graduation, the student's name will be excluded from the commencement program and news release.

Any changes to a directory block may not be effective immediately and may take up to 24 hours to process. A directory block will remain in effect until it is revoked in writing by the student. The University will honor a student's request to restrict directory

information but cannot assume responsibility to contact the student for subsequent permission to release the block. The University assumes no liability for honoring student instructions that such information is withheld.

Directory blocks remain in effect even after a student graduates. We cannot release directory information of past students unless we can prove that they did not wish to withhold information. For this reason, these forms will be kept indefinitely.

IV. Consent to Disclose Education Records

Prior written consent is required for the University to disclose information from a student's education record to third parties (outside of the allowable methods under FERPA). The University requires that prior written consent contain the following elements:

- a. The student's name (including as it appeared during their attendance at the University) and student identification number (if possible);
- b. That the record may be disclosed by the University;
- c. To whom the record may be disclosed;
- d. The exact description of the record to be disclosed (the University does not accept consent for "any and all records" or that appears global or blanket in nature);
- e. The student's signature and date must be present. Signatures may be made physically, with DocuSign, or Adobe, but a typed signature is not valid.

Consent forms should be returned directly to a member of the Office of Academic Records in person or emailed to registrar@coker.edu. The email must be received from the student's Coker email address. FERPA determines the University email as secure due to the individual log-in and password. Students should be mindful of sharing their passwords with others. Consent forms are kept in electronic file indefinitely.

Once the forms are received in the Office of Academic Records the Colleague screen CRI will be updated with the code CRER and noted. The form is also housed electronically

for an indefinite amount of time. Records are covered after a student leaves the institution.

For convenience, a copy of the Consent to Release Educational Records can be found on the Coker University Office of Academic Records website.

Students are responsible for changing or revoking any consents or authorizations granted. The University does not accept verbal, oral, or spoken consent as valid consent.

A special note for parents/guardians. When a student reaches the age of 18, is no longer a "dependent" of the parent(s) or guardian(s) for federal income tax purposes, or attends a postsecondary institution, regardless of age, all FERPA rights belong to the student. This can be a major shift for families as students begin college. Before a student begins attending the University, families are encouraged to discuss how they will keep an open dialogue about student experiences, enrollment, and grades. Prior written consent from the student is required before the University will disclose information from a student's education record to a parent or guardian outside of the allowable methods under FERPA as listed above.

V. Record of Requests

A record will be maintained of all requests for access to and disclosures of information from the education records of each student except as stated below. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed and the party's legitimate interest in requesting or obtaining the information. In the case of a health or safety emergency, the record must also include a description of the perceived threat. The record may be reviewed by the student. These records must be maintained with the student's education records for as long as the records themselves are maintained. A record of disclosure need not be kept of disclosures to the student, a University official with legitimate educational interests, a party with written consent from the student, a party seeking directory information, or disclosures in connection with a grand jury or other law enforcement subpoena

prohibiting disclosure of its existence or contents or an ex parte court order pursuant to the USA PATRIOT Act.

VI. Compliance

A student has the right to file a complaint within 180 days of violation with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address for the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202-4605

Institutions that fail to follow FERPA are in jeopardy of losing federal funding, among other sanctions.