

VIRGINIA WESTERN COMMUNITY COLLEGE

I – ACADEMIC & STUDENT AFFAIRS POLICIES

I-33 – PRIVACY OF EDUCATIONAL RECORDS

Policy Number: I-33

Last Reviewed: March 18, 2014

Responsible Dept.: VICE PRESIDENT OF ACADEMIC AND STUDENT AFFAIRS

Privacy of Education Records

The Family Educational Rights and Privacy Act (FERPA), also known as the Buckley amendment, is a federal law that was enacted in 1974 to protect the privacy of students and their educational records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of educational information. The Act provides for the right of eligible students to:

- Inspect and review their educational records. Additional information can be found in the policy regarding *Student Permanent Records*.
- Request an amendment to records that are believed to be inaccurate. Additional information can be found in the policy regarding *Student Permanent Records*.
- Require Virginia Western to obtain written consent prior to disclosure of personally identifiable information, except those items noted herein
- File a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with FERPA.

“Educational information” is defined as any record maintained by an educational institution, including files, documents, and materials of any type which contain information directly related to students, and which allows a student to be identified. “Educational information” does not include:

- “Sole possession” records or private notes held by educational personnel which are not accessible or released to other personnel;
- Law enforcement or campus security records which are solely for the purposes of law enforcement;
- Records related to individuals who are employed by Virginia Western;
- Records related to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional;
- Records of the institution which only contain information about an individual obtained after that person is no longer a student at Virginia Western (i.e., alumni records).

Students who have applied, but not attended Virginia Western, and deceased students are not protected under FERPA guidelines.

Upon request, Virginia Western discloses education records without the student’s consent to officials of another school in which a student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the student’s enrollment or transfer. Virginia Western will disclose the educational records of dual enrollment students to high school personnel.

Student education information may also be used without a student’s written approval for the purposes of educational research conducted or approved by Virginia Western.

Students can authorize the release of their education information to a parent, spouse, or other third party by completing an [Information Release Form](#).

33.1 Parents' Rights Under FERPA

Parents lose rights under FERPA when their child turns 18 years of age or starts attending classes in any postsecondary institution, whichever happens first. Under 20 USC 1232g(d), all rights of parents, including the right to inspect educational records and to consent to the disclosure of personally identifiable information transfers to the student at the earlier of: 1) the attainment of age 18, or 2) attendance at an institution of postsecondary education.

Parents of a financially dependent student, as defined by the Internal Revenue Service (IRS), may obtain their child's records after submitting proof of the student's dependency via the most recent federal tax form. Requested information will not be released prior to the submission of this documentation.

Students can authorize the release of their education information to a parent, spouse, or other third party by completing an [Information Release Form](#).

33.2 Spouses' Rights Under FERPA

Under FERPA, a student's spouse is considered an "unrelated third party" and, therefore, has no rights under the Act. Virginia Western cannot disclose a student's educational information to a spouse without consent, even if the spouse is supporting the student.

Students can authorize the release of their education information to a parent, spouse, or other third party by completing an [Information Release Form](#).

33.3 Release of Directory Information

As provided by FERPA, colleges may disclose the following Virginia Community College System directory information items without the student's prior consent at the College's discretion:

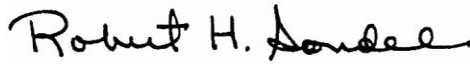
- Student's Name
- Participation in officially recognized activities and sports
- Address
- Telephone Listing
- Weight and height of members of athletic teams
- E-mail Address
- Degree, honors, and awards received
- Major field of study
- Dates of attendance
- Grade level
- The most recent educational agency or institution attended
- Number of credit hours enrolled
- Photos

As noted above, the College reserves the right to publish the names of students who receive academic honors.

A student may formally request that Virginia Western not release directory information on their behalf by submitting a *Student Request for Non-Disclosure of Records* to the Records Office or by changing the privacy settings in the Student Center of their My VWCC account. Once this request has been made, every reasonable effort will be made to safeguard the confidentiality of directory information.

Once an official request of non-disclosure has been made, the student will not be permitted to request an official or unofficial transcript online in the College's student information system. The student will be required to submit written authorization with proof of identity to the Records Office before a transcript will be released. Additionally, Virginia Western staff will not respond to phone calls from potential employers to verify enrollment for students who have submitted an official request of non-disclosure without the student's written authorization.

Approved by



Robert H. Sandel, Ed.D.
President

Date: 3/28/2014

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