



Administrative Policy

Policy Type:	Student Services
Policy Title:	Family Educational Rights and Privacy Act Policy (FERPA)
Office Responsible:	Student Services; Office of the Registrar
Related Laws:	Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g; 34 CFR Part 99

I. Policy Statement

The Family Educational Rights and Privacy Act (FERPA) of 1974 was established to protect the privacy of student education records. It is the policy of Oakland Community College to comply with FERPA. Only certain official employees of the College, acting individually or collectively in the educational interests of the student, are allowed access to education records. Any data containing personally identifiable information of students collected by such officials shall be protected as required by law.

II. Definitions

The following definitions apply to terms as they are used in these guidelines.

Directory Information - Directory information is information in a student's education record which may be disclosed to outside parties without a student's prior written consent. While disclosure of directory information about a student is not generally considered harmful or an invasion of privacy under FERPA, FERPA does not require the College to disclose directory information to outside parties. Information that the College has designated as directory information is listed as follows: name; home address; telephone number; place of birth; curriculum; dates of attendance; degrees, certificates and awards received; last educational institution attended; high school attended; participation in recognized activities and sports; and weight and height of members of athletic teams.

Class rosters and class schedules are not considered directory information and may not be disclosed without consent.

Disclosure – Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Education records – Education records consist of records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to grades,

transcripts, class lists, student course schedules, health records, student financial information, and student disciplinary files. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, microfiche, and e-mail. Records created and maintained by the financial aid office are also considered to be education records and may not be disclosed without the student's consent.

Education records exclude: (1) records that are in the sole possession of school officials and are not accessible by other personnel; (2) law enforcement or campus security records that are maintained or created by the law enforcement unit for the purpose of law enforcement; (3) employment records relating to students who are employed by the College, unless the employment is a result of his/her status as a student; (4) records created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional, that are used only in connection with the treatment of the student and are not available to anyone other than those providing such treatment; and (5) records that contain information about an individual after that person is no longer a student at the College, unless the records pertain to the individual's previous attendance as a student.

FERPA - The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g; 34 CFR Part 99 (<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>).

Freedom of Information Act - The Freedom of Information Act ("FOIA"), M.C.L. 15.231 et seq., regulates and sets requirements for the disclosure of public records by all public bodies in the state of Michigan. FOIA provides that all public records of a public body are subject to disclosure unless specifically exempted by the Act. A public body may, but is not required to, withhold from disclosure those categories of public records exempt from disclosure under the Act. FOIA requests seeking student records, including directory information about a student, may be denied on a statutory exemption for records protected by FERPA, privacy, or other available exemptions.

Legitimate Educational Interest - An individual who has a legitimate educational interest in education records if the information or record is relevant and necessary to the accomplishment of some employment or other institutional task, service, or function, and the individual is under the direct control of the College with respect to the use and maintenance of the education records.

Parents or Legal Guardians - A parent is an individual who is the natural parent, guardian, or the individual acting as the parent in the absence of a parent or guardian, of a student at the College. The College does not make disclosures of information to parents or legal guardians without written consent from the student. However, consistent with FERPA, the College does not need a student's consent to release information from education records to parents or other appropriate individuals in the case of health and safety emergencies. The College may also disclose to parents, without consent, information regarding their student's violation of any federal, state, or local law, or of any rule or policy of the College, governing the use or

possession of alcohol or a controlled substance, if the College determines the student committed a disciplinary violation and the student is under the age of 21.

Personally Identifiable Information - Personally identifiable information (“PII”) is any information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the campus community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Examples of PII include, but are not limited to: (1) the student’s name; (2) name of the student’s parent or other family member; (3) the address of the student or student’s family; (4) a personal identifier, such as a student’s social security number or student number, or a mother’s maiden name; (5) the student’s date and place of birth; and (6) a list of personal characteristics or other information that would identify the student with reasonable certainty. PII also includes information requested by a person who the College reasonably believes knows the identity of the student to whom the education record relates.

School Official - A school official is a person employed by the College in an administrative, supervisory, academic/research, or support staff position; contractors, consultants, volunteers and other non-employees performing institutional services and functions; and a person serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

Student - A student is any individual with respect to whom the College maintains education records and has been enrolled or who has been in attendance at the College. A student’s education records are protected under this policy beginning on the first day of the student’s first term of enrollment. No student shall be required to waive his or her rights under FERPA as a condition of admission or for the receipt of any services or benefits.

III. Disclosure to Third Parties

Except as allowed and required by law, no PII from a student’s education record will be disclosed to any third party (including parent, spouse or other students) by an official or employee of the College without prior written consent of the student. Disclosure can be granted by the student to specific third parties by notifying the Office of the Registrar in writing or by completing and submitting [Form ADS 74 – Authorization to Release Information](#) to an Enrollment Services Office at any campus.

Educational Power of Attorney. Education records may be disclosed to a third party who has a properly executed and notarized power of attorney for a student. The power of attorney must specifically authorize access to education records or be a general power of attorney that covers any and all documents. If all legal requirements are met, the individual listed on the power of attorney will be treated in the same manner as would the student.

The College does not release student information for commercial purposes.

FERPA allows the institution the right to disclose education records or PII to *third parties* (i.e., anyone not a “school official”) **without the student's consent** under the following circumstances:

- College officials carrying out their specifically assigned educational or administrative responsibilities. This includes contractors, consultants, volunteers and other vended service providers used in the capacity as an official including the Oakland Community College Foundation and the National Student Clearinghouse. They are required to comply with College security standards.
- Appropriate officials in connection with a health or safety emergency. (The health or safety emergency exception allows disclosure without consent where the information that is disclosed will help prevent or mitigate a serious threat to the health or safety of the student, other students, or other members of the school community. The threat must be imminent and the disclosure must be narrowly tailored to the nature of the emergency. An educational agency or institution must make this determination on a case-by-case basis, taking into account the totality of the circumstances pertaining to a threat to the health or safety of a student or others.)
- Federal officers as prescribed by law.
- As required by state law.
- Officials of other institutions at which a student seeks to enroll as part of a formal partnership agreement between institutions, so long as the disclosure is for purposes related to the student’s enrollment or transfer.
- Persons or organizations providing financial aid to students. (PII from education records relevant to the student’s application for, or receipt of, financial aid may be disclosed if the information is necessary to determine eligibility, determine amount or conditions of the aid, or enforce the terms and conditions of the aid.)
- Accrediting agencies carrying out their functions.
- Parents of a student who have established that student's status as a dependent according to Internal Revenue Code of 1986, Section 152.
- Parents of a student regarding the student’s violation of any Federal, State or local law or policy of the school, governing the use or possession of alcohol or controlled substance if the school determines the student committed a disciplinary violation and is under the age of 21.
- Research projects on behalf of educational agencies for test norms, improving instruction, etc. (provided that the agencies guarantee no personal identification of students and parents).
- An alleged victim of a crime of violence or a non-forcible sex offense. Information may be given only in respect to the crime committed.
- Information the school has designated as “directory information” may be released if the student has not filed a FERPA restriction.
- In response to a judicial order or lawfully issued subpoena (provided that the student is notified prior to compliance or provided that a reasonable attempt to notify the student that they may seek protective action, as permitted by law), unless the disclosure is in compliance with:

(A) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

(B) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

(C) An *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

(D)

- In response to information received under the Wetterling Act, 42 U.S.C. 14071, about a student who is required to register as a sex offender.
- If an educational agency or institution initiates legal action against a parent or student, the educational agency or institution may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the educational agency or institution to proceed with the legal action as plaintiff.
- If a parent or eligible student initiates legal action against an educational agency or institution, the educational agency or institution may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the educational agency or institution to defend itself.
- Other law enforcement agencies in the investigation of a specific criminal case.
- Veteran's Administration officials.
- Military recruiters under the Solomon Act, 10 U.S.C. 5983.
- Representatives of the Department of Homeland Security or Immigration and Customs Enforcement, for purposes of the coordinated interagency partnership regulating the Student and Exchange Visitor Information System (SEVIS).

IV. Release of Directory Information

The College has designated certain student information to be "public" or "directory" information and, at its discretion, may release directory information without prior written consent of the student. Directory information is defined as: name, home address, telephone number, place of birth, curriculum, dates of attendance, degrees, certificates and awards received, last educational institution attended, high school attended, participation in recognized activities and sports, and weight and height of members of athletic teams.

The Office of the Registrar and Enrollment Services staff members at all College sites are authorized to respond to queries about students.

Current and former students may request that all items identified as directory information be withheld and considered restricted information. To withhold public or directory information, written notification must be received in any campus Enrollment Services Office or the Office of the Registrar. Once students have requested the withholding of directory information, the

request will be honored until they file a request to reinstate the permission to release directory information.

V. Right of Review

Under FERPA, currently enrolled and former students, with proper identification, have the right to review and inspect the education records maintained by the College within 45 days of the request. The College follows a procedure which provides the student the opportunity to challenge information deemed inaccurate, misleading or otherwise in violation of that student's privacy or other rights and request an amendment to the offending record.

Complaints: Students may file a complaint with the U.S. Department of Education, Student Privacy Policy Office, 400 Maryland Ave. SW, Washington, DC 20202-8520; or via email at FERPA.Complaints@ed.gov. A copy of the College's policy is available on the College's public website at <https://www.oaklandcc.edu/policies/documents/?file=264>.

Students wishing to review records under the auspices of FERPA must initiate the process, in writing, to this address:

Oakland Community College
Office of the Registrar
2900 Featherstone Road, K101
Auburn Hills, MI 48326

VI. Amendment of Education Records

If a student believes their education records contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the College to amend the record by notifying the Registrar's Office in writing.

The College shall decide whether to amend the record as requested within a reasonable time after receiving the request. If the College decides not to amend the record as requested, it shall inform the student of its decision and of his or her right to a hearing.

If, as a result of the hearing, the College decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall amend the record accordingly and inform the student of the amendment in writing.

If, as a result of the hearing, the College decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the agency or institution, or both. The statement will remain with the contested part of the record for as long as the record is maintained and will be disclosed along with the portion of the record to which the statement relates.

VII. Recordkeeping of Education Records

Under FERPA, the College is required to maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student, as well as the names of State and local educational authorities and Federal officials and agencies that may make further disclosures of personally identifiable information from the student's education records without consent as listed in Section III above. The College shall maintain the record with the education records of the student as long as the records are maintained.

Change Log

05-17-2023 Effective Date