



Educational Rights and Privacy

1. PURPOSE

This policy establishes the expectations for maintaining the privacy of students' educational records at Northern Pennsylvania Regional College ("NPRC" or the "College").

2. SCOPE AND APPLICABILITY

This policy is applicable to all Academic and Workforce Development students, referenced throughout this policy as students, and employees who have access to student records or other educational information associated with enrollment.

3. REFERENCES

- 3.1 INDX-1110-01: Master Policy Index
- 3.2 CLDR-1110: Policy Review Schedule
- 3.3 NPRC-5010: Security of Information Technology
- 3.4 NPRC-7405: Photo and Model Release
- 3.5 PROC-9040-01: Educational Rights and Privacy
- 3.6 PROC-9040-02: FERPA Training
- 3.7 PROC-9040-03: Student Privacy Audit
- 3.8 PROC-9040-04: Student Identification Validation
- 3.9 PROC-9040-05: Solomon Request
- 3.10 FORM-9040-01: Annual Notice of Student Privacy Rights Under FERPA
- 3.11 FORM-9040-02: FERPA Waiver
- 3.12 FORM-9040-03: Directory Information
- 3.13 FORM-9040-04: Request to Inspect and Review Education Records
- 3.14 FORM-9040-05: Request to Amend or Remove Education Records
- 3.15 FORM-9040-07: Student Privacy Audit
- 3.16 FORM-9040-08: Code of Responsibility and Confidentiality of Data
- 3.17 Family Educational Rights and Privacy Act:
<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

- 3.18 Title 24 (Education) of the Pennsylvania Consolidated Statutes amendment:
Senate Bill No.37-P.N.0018 :
<https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2021&sessInd=0&billBody=S&billTyp=B&billNbr=0037&pn=0018>
- 3.19 Solomon Amendment: House of Representatives Bill No. 6395, Section 521:
<https://www.congress.gov/116/bills/hr6395/BILLS-116hr6395enr.pdf>

4. DEFINITIONS

- 4.1 The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records.
- 4.2 An eligible student under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.
- 4.3 An Academic Student is any individual enrolled in any credit-bearing course(s) of instruction offered by the College.
- 4.4 A Workforce Development Student is any individual enrolled in any non-credit class or non-credit training experience sanctioned by the College.
- 4.5 An Employee shall mean any individual who serves the College in a full-time or part-time capacity as an administrator, staff, or faculty.
- 4.6 School officials are members of an institution who act in the student's educational interest within the limitations of their "need to know." These may include faculty, administration, clerical and professional employees and other persons who manage student education record information including student employees or agents. It may also include contractors, volunteers, and others perform institutional functions.
- 4.7 Legitimate Educational Interest is the demonstrated "need to know" by those officials of an institution who act in students' educational interests, including faculty, administration, clerical and professional employees, and other persons who manage student record student record information including student employees or agents, based on their position in the College.
- 4.8 An institution of postsecondary education, also referred to in the State of Pennsylvania as an institution of higher education (IHE), is an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.
- 4.9 Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.
- 4.10 Personally identifiable information (PII) is information which includes, but is not limited to (a) the student's name; (b) the name of the student' parent or other family

members; (c) the address of the student or student's family; (d) a personal identifier, such as the student's social security number, student ID number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student and that would allow a reasonable person in the school community who does not have personal knowledge for the relevant circumstances to identify the student with reasonable certainty; or information requested by a person who NPRC reasonably believes knows the identity of the student to whom the education record relates.

- 4.11 Education records are records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.
- 4.12 Solomon Amendment is a federal law that allows military recruiters to access student recruiting information on students age 17 and older at the time of the request.

5. POLICY

- 5.1 NPRC complies with federal and state rules and regulations related to the protection of student privacy and student data applicable to institutions of postsecondary education and institutions of higher education which are authorized to operate in the Commonwealth of Pennsylvania.
- 5.2 An Annual Notice of Student Privacy Rights Under FERPA (FORM-9040-01) is distributed via College issued emails to students annually in the fall containing the FERPA privacy rights with respect to their education records. These rights include:
 - 5.2.1 The right to inspect and review the student's education records within 45 days of the day the College receives a request for access to records. (FORM-9040-04: Request to Inspect and Review Education Records)
 - 5.2.2 The right to request the amendment of the student's education records that the student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. (FORM-9040-05: Request to Amend or Remove Education Records)
 - 5.2.3 The right to provide written consent before the College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. (FORM-9040-02: FERPA Waiver)
 - 5.2.4 The right to file a complaint with the US Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is as follows:

Student Privacy Policy Office
U.S. Department of Education

400 Maryland Avenue, SW
Washington, DC 20202

- 5.3 The College may disclose appropriately designated directory information without a student's consent unless the student has opted out of sharing Directory Information through FORM-9040-03: Directory Information. NPRC has designated the following information as Directory Information: Student's name (or alias), address, telephone number(s), date and place of birth, honors and awards, and terms of attendance. Students are given the opportunity to opt out of sharing directory information prior to registering for courses with NPRC and may change their decision at any time.
- 5.4 NPRC may release personally identifiable information without consent under the following exceptions to FERPA if the disclosure meets the specific conditions and is:
- 5.4.1 To other school officials, including instructors, within the institution whom NPRC determines to have legitimate educational interests.
 - 5.4.2 To officials of another institution of postsecondary education where the 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.
 - 5.4.3 To authorized representatives of federal, state, or local educational authorities.
 - 5.4.4 In connection with financial aid for which the student has applied or the student has received.
 - 5.4.5 To organizations conducting studies for, or on behalf of, NPRC.
 - 5.4.6 To accrediting organizations.
 - 5.4.7 To comply with a judicial order or lawfully issued subpoena, including *ex parte* orders under the *USA Patriot Act*.
 - 5.4.8 In connection with a health or safety emergency.
 - 5.4.9 Information NPRC has designated as "directory information."
 - 5.4.10 To the student.
 - 5.4.11 To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense.
 - 5.4.12 In connection with a disciplinary proceeding at an institution of postsecondary education.
 - 5.4.13 To a parent of a student under the age of 21 concerning the student's violation of any law or policy regarding the use or possession of alcohol or a controlled substance.
 - 5.4.14 Concerns sex offenders and other individuals required to register under state or federal law.

- 5.4.15 To parents of a dependent student, however, NPRC chooses to pass on FERPA rights to all students.
- 5.5 Under the Solomon Amendment, NPRC must release the following information when requested by the military recruiters from one of the 12 eligible units with the five branches of the service: first and last name, student class level (e.g. Freshman, Sophomore), academic program, age, cell, and home phone numbers, NPRC email address, and preferred address. The release of information through the Solomon Amendment will follow PROC-9040-05: Solomon Request.
- 5.6 NPRC will follow PROC-9040-04: Student Identification Validation to validate the identification of students when in communication with students.
- 5.7 NPRC supports student data privacy and protection in alignment with NPRC-5010: Security of Information Technology.
- 5.8 Photo and Model releases are effective in accordance with NPRC-7405: Photo and Model Release.

6. RESPONSIBILITIES AND TIMELINES

- 6.1 The Director of Human Resources will include FORM-9040-08: Code of Responsibility for Security and Confidentiality of Data during the onboarding process of all new employees. Those employees whose position will require access to student information will not be given access to the systems until completion of FORM-9040-08 and the full FERPA trainings are completed.
- 6.2 The Records Retention and Disposition committee will conduct an annual Student Privacy Audit to ensure the College remains compliant with FERPA in accordance with PROC-9040-03: Student Privacy Audit.
- 6.3 The Records Retention and Disposition committee will ensure FERPA trainings are completed in accordance to PROC-9040-02: FERPA Training.
- 6.4 The Office of the Registrar is responsible for distributing and maintaining all forms related to FERPA.
- 6.5 The Vice President of Enrollment and Student Services and the Vice President of Finance and Operations are responsible for the oversight and administration of the policy.

7. REVIEW STATEMENT

Review of this policy will occur in alignment with CLDR-1110: Policy Review Schedule.

8. SIGNATURES

Signature on file

_____ Chairperson, Board of Trustees <i>Signature on file</i>	_____ Date
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_____ President	_____ Date
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Revision Notes: Policy in Revision