1.19 The Family Educational Rights and Privacy Act (FERPA – Buckley Amendment)

I. Purpose

This policy serves as guidance to faculty, staff and students regarding the privacy of student records and ensures that student education records are maintained in compliance with applicable federal and state laws.

II. Scope

The college accords all the rights under the Family Educational Rights and Privacy Act of 1974 (the Act) to its students. All faculty and staff are subject to the restrictions imposed by law.

III. General

Definitions

Authorized Representative refers to any entity or individual designated by a State or local educational authority or an agency headed by an official listed in §99.31(a)(3) to conduct — with respect to Federal- or State-supported education programs — any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.

Education Program refers to any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, adult education and any program that is administered by an educational agency or institution.

Directory Information is personally identifiable information that is generally not considered harmful or an invasion of privacy if disclosed. It can be disclosed to outside organizations without a student’s prior written consent.

Legitimate Educational Interest is the demonstrated “need to know” by those officials of an institution who act in students’ educational interest, including faculty, administration, clerical and professional employees, and other persons who manage student record information including student employees or agents.

Personally Identifiable Information is data or information that includes, but is not limited to: the name of a student; the name of the student’s parent or other family member; the address of the student or student’s family; a personal identifier, such as the student’s social security number or student number; a list of personal characteristics which would make the student’s identity easily traceable; other information which would make the student’s identity easily traceable, such as date of birth and mother’s maiden name.
An Education Record is a record that:

- Directly relates to a student of the college and is maintained by the college or by a party acting for the college.
- Contains information, recorded in any way, including but not limited to: handwriting, print, film, microfilm, audio/videotapes, computer media, and microfiche.
- Relates to a student attending the college and who is employed by the college. An example of this type of record is the performance rating of a student enrolled and working for the college.

Education records do not include:

- Records of instructional, administrative, and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute for the maker of the record.
- Records of the law enforcement unit, employment records, or alumni records.
- Alumni records which contain information about a student after he or she is no longer in attendance at the college and which do not relate to the person as a student.
- Records maintained by Bucks County Community College legal counsel.

The college collects, maintains, secures and destroys student records for the educational welfare and advancement of the students.

Students shall be notified of their rights with respect to student records, including the definition of directory information contained herein, and that they may limit the information. Subject to the requirements of the Act, the college may provide directory information from a student’s education record, unless the student has stated in writing that such information may not be disclosed.

No one outside the college shall have access to, nor will the college disclose any information from students’ education records, without the written consent of the students, except to personnel within the college, to officials of other institutions in which students seek to enroll, to persons or organizations providing students financial aid, to accrediting agencies carrying out their accreditation functions, to persons in compliance with a judicial order, to persons in an emergency in order to protect the health or safety of students or other persons, and to individuals and agencies permitted under the Act.

School officials who have been determined by the college to have legitimate educational interests may receive personally identifiable information from a student’s education records without the student’s consent.

The college defines directory information as:

- Name
- Major field of study
- Dates of Attendance
- Degrees and award received
- Previous institution (s) attended
• Full-time/part-time status
• Participation in officially recognized sports and activities
• Weight and height of members of athletic teams

No representative of the college shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Current and former attending and registered students of the college have the right to access their education records.

Violation of this policy may lead to disciplinary action up to and including termination.

IV. Procedures: None

V. Approval: Board of Trustees - January 10, 2019

VI. Responsibility: Vice President, Technology & Innovation