



FERPA Student Privacy Rights

ArtCenter faculty and staff responsibilities to respect student confidentiality, protect student privacy, and safeguard records.

The Family Educational Rights and Privacy Act (FERPA) is a United States federal law that was enacted in 1974 (originally known as the Buckley Amendment) and has been updated many times since then. This law defines the controls and limits that govern working with student education records.

ArtCenter students have three primary rights under FERPA:

- **The right to have some control over the disclosure of information contained in one's own education records;**
- **The right to inspect and review one's own education records (within 45 days of ArtCenter receiving a request for such access);**
- **The right to seek an amendment to one's own education records if they are inaccurate or misleading.**

"Education records" are records that are directly related to the student and maintained by ArtCenter in any medium, possessed by any ArtCenter employee, with the exception of "directory information."

When does FERPA take effect?

FERPA transfers these rights to control privacy from parents to students when the student either turns 18 years old OR enrolls in postsecondary education (at any age). After this transfer of rights, the student must give ArtCenter written consent (each semester) to restrict or expand access to all non-directory information. (Specific additional constraints affect students who are claimed as financial dependents on a parent's federal tax return.)

ArtCenter does not require a student's consent in the following circumstances: when there is a health/safety emergency; when following orders of a judicial order or subpoena; to comply with any audit, institutional evaluation, or accreditation process; or whenever College officials have a legitimate educational interest to access student records.

What is "personally identifiable information?"

These are data derived from education records that make a student's identity easily traceable and include (but are not limited to): student name, names of family members, student address, address of family members, personal identifier numbers (like student IDs, social security, or passport numbers), indirect indicators (such as birth date, place of birth, mother's maiden name), and even biometric records.

What are not education records?

Examples of records that are not covered by FERPA include, but are not limited to: records that are private notes or maintained in the sole possession

of an employee and are not accessible or released to any other employees; Campus Security or law enforcement records that are solely used for their purposes; employment records that are not available for any other purpose; treatment records maintained by any health care professional; information obtained after a person is no longer a student (e.g., alumni information); peer-graded assignments that have not been collected and recorded by ArtCenter; personal observations and conversations. Finally, anything ArtCenter defines as "Directory Information" is not an education record.

What is included in "directory information?"

ArtCenter defines the following as directory information (and therefore does not need a student's consent to release): student name, major field of study, enrollment status (full-time, Lite term, internship, etc.), dates of attendance, participation in official activities, degrees earned, honors and awards received, and the most recent educational institution attended (prior to ArtCenter).

What are "legitimate educational interests" that are exempt from a student's written consent?

When faculty or staff are carrying out their duties as educators and administrators, they often have legitimate reasons to share student records. FERPA was not designed to make education cumbersome, but to protect student privacy. Generally, when performing assigned duties, it is permissible to discuss student records for the purposes of educating students, safeguarding their welfare, supporting their success, etc. Examples of these legitimate educational interests that do not require student consent to release information include, but are not limited to:

- **Faculty discussing with the Disability Services Coordinator in the CSE any classroom accommodations for students with disabilities.**
- **Instructors discussing grades or grade changes with department chairs or Enrollment Services.**
- **Employees needing contact information to return lost supplies or found belongings to a student.**
- **Faculty or Staff who need to confirm the identity and enrollment status of a student who has been absent from classes.**
- **CARE Team members who need to resolve behavioral, academic, or personal concerns to support a student's success.**
- **Submitting letters of recommendation that have no reference to any other personally identifiable education records.**

In some additional specific circumstances (e.g., when violent, terrorist, or sex crimes are involved), ArtCenter may also choose to disclose relevant information to the proper authorities or to the public without student consent.

The purpose of FERPA is to protect students' rights to privacy, not to impede their education or endanger their wellbeing.

For More Information

Students are informed of their FERPA rights during new student orientation, and their rights are described in the "Academic Policies and Procedures" section of the Student Handbook. Additional reminders may be communicated directly to students periodically.

Any complaints about alleged violations of FERPA may be directed to the United States Department of Education's Family Policy Compliance Office (FPCO). Complaints must be filed within 180 days of the alleged violation, or an extension can be requested.

If the FPCO determines that ArtCenter has not complied with FERPA, the Secretary of the Department of Education may withhold payments to the College under any applicable federal program, issue a complaint to compel compliance through a cease-and-desist order, or terminate the College's eligibility to receive federal funding. The Secretary will also provide the complainant and the College with written notice of any decision and the basis for its decision following any investigation. (Students have no right to file a private lawsuit to challenge alleged violations of FERPA.)

Additional information about FERPA and student privacy rights is available from the FPCO at: www2.ed.gov/fpco

Institutional compliance with FERPA is coordinated by Enrollment Services. Any questions, comments, or concerns about FERPA should be directed to Enrollment Services at x2314.

