



## **FERPA Procedure**

**Procedure Number:** 613P

**Responsible Office:** Vice President, Student Affairs

**Forms:** [Consent to Release Education Records Form \(125-356\)](#), [Parent Access Verification Form \(125-111\)](#), [Request to Prevent Disclosure of Student Information Form \(125-023\)](#), Employee Agreement Form (105-146).

**Effective Date:** 2/12/2024

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### **1. Purpose**

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. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Northern Virginia Community College protects the privacy of student records in accordance with the Family Educational Rights and Privacy Act (FERPA) a federal law that governs access to student education records. The College will not permit access to, or the release of, educational records without the consent of the student or eligible parent or legal guardian to anyone other than those permitted by law. The College will publish an Annual Notification of Rights under FERPA in the College Catalog.

Students are afforded the following rights under FERPA:

- a. The right to inspect and review their educational record within forty-five (45) days of submitting a request for access to such record.
- b. The right to request an amendment to their educational record in the event that the student thinks the record is inaccurate or misleading.
- c. The right to provide written consent before the College discloses personally identifiable information contained in their educational record, except to the extent FERPA authorizes disclosure without consent.
- d. The right to file a complaint at the College or with the United States Department of Education, if they think that the college has failed to comply with this policy.

The College may disclose information from a student's educational record without consent under certain conditions specified in the FERPA regulations at 34 CFR § 99. 31:

- a. To school officials with a legitimate educational interest.
- b. To officials of another school where the student seeks or intends to enroll.

- c. To government officials in connection with the audit and evaluation of federal and state- supported education programs.
- d. To persons or organizations in connection with financial aid.
- e. To persons or organizations conducting research, studies or data collection on behalf of the College for the development of tests, administration of financial aid, or the improvement of instruction.
- f. To accrediting organizations.
- g. To a parent or legal guardian of the student, provided the parent or legal guardian has demonstrated that the student is a dependent for tax purposes.
- h. To comply with a judicial order or subpoena provided the College makes a reasonable effort to inform the student in advance so that the student may take protective action, except when the College is legally required to not disclose the existence of a subpoena.
- i. To appropriate officials in connection with a health or safety emergency.
- j. Information the College has designated Directory information.
- k. To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing with respect to the alleged crime.
- l. To any third party the final results of a disciplinary proceeding related to a crime of violence or non-forcible sex offense if the student who is the alleged perpetrator is found to have violated College rules or policies.
- m. To parents of a student under age 21 when the student has violated College rules or criminal laws concerning alcohol or drugs.
- n. In response to an ex parte order in connection with the investigation or prosecution of terrorism.

All officials shall document when information is disclosed.

## **2. Definitions**

*Annual Notification of Rights:* the yearly notification to students informing them of their rights under FERPA.

*Custodian:* the person responsible in each college or department for the educational records within that college or department.

*Directory Information:* student data which would not generally be considered harmful or an invasion of privacy if disclosed. NOVA has designated the following items as directory information:

- a. student's name
- b. current enrollment status (full time or part time)
- c. participation in officially recognized activities and sports



- d. weight and height of members of athletic teams
- e. degrees, honors and awards received
- f. major field of study
- g. dates of attendance (not individual class sessions)
- h. number of credit hours enrolled

*Disclosure:* when access is permitted to, or student information contained in educational records is released orally, electronically, or in writing to any party other than the party identified as the party that provided or created the record.

*Education Record:* data that contains information that is directly related to a student and is maintained by an educational agency or institution, or an individual acting on behalf of the institution. Educational records exclude (1) sole possession notes, (2) campus police records available only to police and maintained within that department, (3) medical records available only to medical personnel and not shared elsewhere on campus, (4) alumni records, (5) employment records when employment is not contingent upon the employee's status as a student, (6) peer grading, and (7) disability support services records.

*Legitimate Educational Interest:* when a College official is acting within the scope of his or her employment and/or job description, it is part of their job role to have access to that information, or it is necessary to access the information in order to fulfill his or her professional responsibilities to NOVA.

*Personally Identifiable information (PII):* information that would reveal the identity of a student or would make the student's identity easily traceable.

*School Official:* any person employed by or otherwise affiliated with NOVA who is performing institutional services or doing work for the College. School officials include, but are not limited to, faculty, staff, consultants, contractors, any person serving on an official committee, student workers, and volunteers.

### **3. Procedure**

#### **I. Review of Records**

- a. To review an educational record, a student or parent of a dependent student must submit in writing a request to review such record to the Associate Campus Registrar or designee. The request must identify the record(s) he or she wishes to review.
  - i. If the request is from a parent, the parent must complete NOVA [Form 125-111 Student Records \(FERPA\): Parent Access Verification](#) with the required supporting documentation indicating that the student is his or her dependent.
- b. The Associate Campus Registrar or designee will respond to the inquiry within a reasonable amount of time, but within the forty-five (45) day requirement prescribed by FERPA, informing of the date, time, and place that the record(s) may be reviewed. If the record is not housed with Enrollment Services, the staff will direct the student to the appropriate office in which the record is maintained.



## II. Amendment of Record(s)

- a. 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 contact the Campus Registrar or appointee to ask to amend the record.
- b. Enrollment Services, Campus Registrar, or the unit that houses the record, will review the request, and respond to the student.
  - i. If the student is dissatisfied with the College's decision not to amend the record, the student may contact the College Registrar in writing to request a hearing. The College Registrar or appropriate College official will arrange a meeting within a reasonable amount of time. The student should bring documentation supporting his/her request for amending the record(s) to the meeting.
- c. Within ten (10) business days of the meeting, the College Registrar or appropriate College official will issue a decision regarding the request.
- d. If the college does not amend the record after the hearing, the student may place a statement in the record.
- e. This procedure does not replace the Student Grievance Procedure, whereby a student may grieve an administrative decision related to his/her record.

## III. Consent to Disclose Personally Identifiable information to a Third Party

- a. To authorize the College to provide information to a third party (e.g., parent or agency), the student will complete [Form 125-356 Student Records \(FERPA\) Consent to Release Educational Records](#) listing the individual(s) that may receive the information, the record(s), and duration for which the information may be provided.
- b. The form will be maintained in the student records system.

## IV. Directory Information

- a. The College assumes that any student who does not specifically request that directory information be withheld indicates individual approval for disclosure.
  - i. Students may prohibit the release of Directory Information by completing [Form 125-023 Student Records \(FERPA\): Request to Prevent Disclosure of Student Information](#). This request must be submitted in person to the Student Services Center and will remain on file indefinitely until written notice is submitted by the student to remove it.

## V. Record Retention

- a. Official student academic records, financial aid data, application materials and documents are maintained by the College during a student's enrollment and for a

specified period after enrollment in accordance with state regulations issued by the Library of Virginia. Some records, such as courses attempted, grades, etc., are maintained permanently in the Student Information System.

- b. The disposal of student records follows guidelines set forth by the Records Management and Imaging Services Division of the Library of Virginia.