

Title: Privacy of Records – Release of Information	Number:	AP 2.02
	Adopted:	March 1995
	Reviewed:	October 2017
	Revised:	October 2017

The Nicolet College policy on record privacy and releasing information follows the directives outlined in the Family Education Rights and Privacy Act (FERPA), the federal law governing the protection of educational records. Registered students will be notified of this policy annually.

Only the student may authorize the release of their personally identifiable information in an education record. All such authorizations must be in writing. A fee will be assessed for copying all or a portion of a student record.

### **Notification**

Students and stakeholders can find this policy on the website, or may obtain a copy of the policy from the Welcome Center in the Red Oak Center.

### **Student Rights Under FERPA**

1. Students have a right to inspect and review their own educational records. The student must submit a signed, written request to the Registrar that identifies the record(s) they wish to inspect. The Registrar will make arrangements for access within 45 days and notify the student when and where the records may be inspected. Before being allowed to view the record, the student must present official photo identification.
2. Students have a right to request the amendment of educational records that they believe are inaccurate or misleading. The student must present a written request to the Registrar, clearly identifying the part of the record they want changed, and specify why it is inaccurate or misleading.

If the Registrar denies the request to amend the record, the Registrar will notify the student and advise them of the right to appeal the decision using the Complaint and Grievance Procedure for Nicolet College Students, in AP 1.06 Student Standards of Conduct.

3. Students have a right to grant written consent to disclosures of personally identifiable information contained in their own education record; FERPA authorizes some disclosures without consent.
4. A record of disclosures will be maintained within a student's file indicating when information has been released from that file and to whom, except for disclosures for legitimate educational interest. Students will not be notified of legally restricted disclosures or disclosures for legitimate educational interest.

5. Students have the right to restrict the disclosure of *Directory Information*. To restrict the disclosure of *Directory Information*, a student must file a [written request](#) with the Registrar. This request to restrict disclosure of *Directory Information* will be honored until the student notifies the Registrar, in writing, to the contrary (see section on Directory Information below).
6. Students have a right to file a complaint with the U.S. Department of Education concerning alleged failures of the College to comply with requirements of FERPA.

The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-8520

### **EXCEPTIONS UNDER FERPA**

Under certain conditions, information can be released without student consent. These exceptions include:

#### **Directory Information**

The use of the term *Directory Information* does not mean that the College actually has a document containing Student Directory Information, or that the College has any obligation to produce such a document. The term *Directory Information* is a legal term applying to information that the College can release, without student consent, to any third party.

The College has defined *Directory Information* as the following:

- Student name
- Full-time or part-time status
- Major Field of study
- Dates of enrollment
- Degrees and awards received
- Photos and videos of students for use in College press releases, publications, and web sites
- Nicolet College assigned student email accounts

#### **U.S. Military**

According to federal law, the College must release the student's name, address, phone number, date of birth, and field of study to the U.S. Armed Forces.

#### **Authorized Federal, State, and Local Authorities**

Student authorization is not required if the Registrar is asked to disclose information to an authorized representative of the following individuals or entities:

- The Comptroller General of the United States
- The Secretary of the U.S. Department of Education
- State educational authorities
- Any party legitimately connected with a student's application for, or receipt of, financial aid
- Accrediting organizations
- Agencies involving an audit or evaluation of compliance with education programs
- Organizations conducting studies for or on behalf of educational institutions

**Other Educational Institutions**

Information can be released to other schools where the student is dually enrolled, seeks, or intends to enroll.

**Emergency Situations**

Information can be released to law enforcement personnel, emergency personnel, and College officials in an emergency in order to protect the health or safety of students or other persons.

**Legitimate Educational Interest**

Officials of the College who have a legitimate educational interest may have access to student records without obtaining consent from the student.

Officials of the College are defined as:

- persons employed by the College in an administrative, supervisory, academic, research, or support staff position,
- persons serving on College governing bodies, and
- persons employed by or under contract to the College to perform a specific task, such as an attorney or auditor.

An official has a legitimate educational interest if they need to:

- perform duties specified in their job description or under terms of contractual agreement;
- provide campus services related to a student, such as advising, financial aid, and counseling;
- conduct tasks related to a student's education, campus discipline or security.

**Judicial Order**

Information must be released to comply with a judicial order or lawfully issued subpoena. Unless the court (or other issuing agency) has ordered that the existence or the contents of the subpoena or judicial order not be disclosed, the College will make a reasonable effort to notify the student before complying so the student may seek protective action.

**Grievance Hearing**

Information about a student or students involved in a grievance investigation may be released to members of the grievance committee, including any students assigned to that committee, if such information applies to the investigation.

**Disciplinary Hearing**

The results of a disciplinary hearing may be released to an alleged victim of a crime of violence without the permission of the accused.

**U.S. Patriot Act**

The College must release, without consent or knowledge of the student, personally identifiable information from the student's education record to the Attorney General of the United States or designee in connection with the investigation or prosecution of terrorism crimes specified in sections 233b(g)(5)(B) and 2331 of Title 18, U.S. Code.