

I. In accordance with Tennessee Board of Regents (TBR) [Policy No. 3:02:03:00](#), and TBR [Guideline S-020](#) it is the policy of Pellissippi State Community College to comply with the Family Educational Rights and Privacy Act (FERPA) and, in so doing, to protect the confidentiality of personally identifiable educational records of students and former students. Each faculty and staff member employed by Pellissippi State is individually responsible for complying with FERPA, and violations may subject the faculty or staff member to disciplinary action. Students will be informed annually of their rights under said institutional policies and procedures.

## II. Confidential Records

Except as is otherwise provided by this policy, all personally identifiable records (by name, identifier or characteristics) directly related to a student or former student will be kept confidential unless the student signs a consent form as provided in part IV below. Such confidential records include, but are not limited to, grades, class enrollment and attendance, disciplinary records, admissions records, student grievances, complaints or appeals. Disclosure of such records will be permitted only under one of the exceptions described below.

A. Directory Information - Unless a student submits a signed Non-Disclosure of directory information, Pellissippi State may disclose directory information consistent with this policy to any persons requesting such information without the consent of the student.

1. Name
2. Address
3. Telephone number
4. Major field of study
5. Participation in officially recognized activities and sports
6. Dates of attendance
7. Degrees and awards received
8. Most recent previous educational institution attended
9. College email addresses

If a student does not wish directory information released without consent, he/she should provide written notification to the Admissions and Records Office.

B. Disclosure in Bona Fide Emergency - Disclosure of student records is permitted if necessary to protect the student or other person against threat to the safety or health of either. Such disclosure may be made only in the case of an immediate bona fide emergency such that consent cannot be obtained. Such disclosure will be limited to necessary information only and to those persons in a position to render assistance in the emergency situation.

C. Disclosure Within the College - Only administrators, faculty, and staff employed by Pellissippi State who exhibit a genuine need to know based on a legitimate educational interest may have access to a student's records. A legitimate educational interest will be limited to an interest arising from the faculty/staff member's fulfillment of his/her assigned responsibilities, and disclosure will be limited to such information as is necessary to fulfill those responsibilities.

D. Disclosure With Consent - Pellissippi State may disclose confidential information upon receipt of a signed electronic or written consent from the student. The consent form must be dated and must specifically identify the particular records to be disclosed, the purpose of the disclosure, and the names of persons to whom such disclosure is to be made. Copies of the disclosure consent are maintained on an imaging system with the student's records. The release authorization remains in effect at Pellissippi State Community College until the student revokes the authorization in writing.

E. Disclosure Pursuant to Subpoena - Pellissippi State must disclose confidential student records pursuant to a lawfully issued subpoena or judicial order. Upon receipt of such a subpoena or judicial order, the appropriate custodian of records will examine the subpoena or order to verify that it has been executed by an officer of the court or other authorized official. (The Office of General Counsel for the Tennessee Board of Regents may be contacted for assistance in verification.) Prior to disclosure, Pellissippi State must use responsible efforts to notify the student in writing of the receipt of the subpoena or order and of the college's intent to comply. A certified letter is mailed to the last known mailing address of the student. If the college is unable to contact the student prior to the disclosure, it must do so as soon thereafter as is feasible. Written notification to the student, a copy of the subpoena and record of the disclosure will be kept in the student's record.

F. Disclosure to Officials of Other Schools and School Systems - Pellissippi State may disclose confidential identifiable student records to officials of other schools and/or school systems in which the student is currently enrolled or seeks or intends to enroll, provided such disclosure is consistent with the following conditions.

1. The college makes a reasonable attempt to notify the student of the disclosure at the student's last known address. Pellissippi State does not have to attempt notice to students under the exceptions below.
  - a. The disclosure is initiated by the student at the sending college.
  - b. Pellissippi State includes a notice in its policies and procedures that it forwards education records on request to a school in which a student seeks or intends to enroll.
2. Pellissippi State provides the student a copy of the records transferred upon request by the student.
3. Pellissippi State provides the student an opportunity for a hearing, as provided in IV.B, upon request by the student.

G. Disclosure of Deceased Student Records - Pellissippi State does not permit the release of educational records of a deceased student without the written permission of the executor/executrix (or parents/next of kin, if an executor/executrix has not been appointed) of the deceased student.

H. Other Exceptions - Federal regulations (See 34 C.F.R., Sections 99.1-99.67) provide for disclosure upon certain other limited circumstances. These exceptions are narrow in scope and are strictly construed. Disclosure pursuant to these exceptions should not be made unless specifically approved by an appropriate Pellissippi State official. The Office of General Counsel of the Tennessee Board of Regents is available for assistance in ascertaining the applicability of the exceptions.

1. Solomon Amendment is a federal law that allows military recruiters to access some address, biographical and academic program information on students age 17 and older. Under the Solomon amendment, information will be released for military recruitment purposes only. The military recruiters may request student recruitment information once each term or semester for each of the 12 eligible units within the five branches of the service:

- a. Army: Army, Army Reserve, Army National Guard
- b. Navy: Navy, Navy Reserve
- c. Marine Corps: Marine Corps, Marine Corps Reserve
- d. Air Force: Air Force, Air Force Reserve, Air Force National Guard
- e. Coast Guard: Coast Guard, Coast Guard Reserve

2. The USA Patriot Act. Section 507 of the USA PATRIOT ACT amends FERPA by permitting educational agencies and institutions to disclose - without the consent or knowledge of the student or parent- personally identifiable information from the student's education records to the Attorney General of the United States or to his designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes. In addition, the school is not required to record such disclosures.

### III. Record of Request and Disclosures

Copies of requests for disclosures and a record of the information disclosed must be retained with the student records for all disclosures made except those for directory information and disclosures to other Pellissippi State administrators, faculty, and staff. The record of disclosures may be inspected by the student, the officials responsible for the records, and by persons responsible for auditing the records. All requests are maintained in an imaging system.

### IV. Student Access to Records and Right to Amend

Except as provided in Part A below, a student has the right to inspect, review, and obtain a copy of his/her educational records. To obtain a transcript of courses completed at Pellissippi State, a student must submit a signed request to the Admissions and Records Office. Any obligations to Pellissippi State must be satisfied before a transcript will be issued. To inspect, review, or request copies of other educational records, the appropriate official as designated in part VI must be contacted. The student's request must be honored within a reasonable time, which will not exceed 45 days. Pellissippi State may charge the student a fee for copies that will not exceed the normal fee for such copies. Upon a student's request Pellissippi State will provide an explanation/interpretation of his/her record.

A. Exceptions to Student Access - A student's right to his/her records is subject to the following exceptions:

1. For records pertaining to more than one student, a student may only view the portion of the record pertaining to him/herself and may not view the portion pertaining to the other students.

2. A student may not have access to financial records and statements of his/her parents or any information contained therein.
  3. Students may not have access to confidential letters and confidential statements of recommendation which were placed in the student's records prior to January 1, 1975 provided that:
    - a. the letters and statements were solicited with a written assurance of confidentiality or were sent and retained with a documented understanding of confidentiality, and
    - b. the letters and statements are used only for the purposes for which they were specifically intended.
  4. Students may not have access to confidential letters of recommendation and confidential statements of recommendation which were placed in the education records of the student after January 1, 1975, which pertain to:
    - a. admission to an educational college.
    - b. an application for employment.
    - c. the receipt of an honor or honorary recognition, provided that the student has waived his or her right to inspect and review the letters/statements in a signed written waiver. A separate waiver must be provided for each category of letters/statements. The waiver may be revoked at any time; however, the revocation will not affect the student's rights as to letters previously provided under the waiver. Pellissippi State may not require such a waiver of students as a condition or prerequisite to eligibility for a program or service. The letters or statements provided under the waiver may be used only for the purpose designated on the waiver, and the student must be notified of the receipt by Pellissippi State of all letters/statements provided under the waiver.
- B. Student's Right to Request Amendment - A student may request to amend his/her record if he/she feels it is inaccurate, misleading or in violation of his/her rights. The initial request must be submitted to the appropriate official responsible for the record. This official must consider the request and convey the decision to comply or deny within twenty calendar days. If the request is denied, the official must inform the student of his/her right to a hearing and that the request for a hearing must be submitted to the Vice President of Student Affairs. The student's request for a hearing must identify the record(s) involved and why he/she feels it is inaccurate, misleading or in violation of his/her rights. These are the procedures for a hearing:
1. The hearing must be held within a reasonable time of the request.
  2. The notice of the hearing must include the date, place, and time of the hearing and will be sent to the student reasonably in advance of the hearing date.
  3. The hearing must be conducted by a Pellissippi State official not having a direct interest in the outcome.
  4. The student may present evidence.
  5. The student may have the assistance or representation of individuals of his/her choice, including an attorney.
- Pellissippi State must make its decision within a reasonable time. The decision must be based solely upon the evidence presented at the hearing and will include a summary of the evidence and reasons for the decision. Pellissippi State will inform the student of its decision and, if the request is denied, of the student's right to place a statement in the file commenting on the information in the file and setting forth any reason for disagreeing

with the decision. The statement must be maintained with the record and a copy provided to anyone to whom the record is provided.

The above procedures will not be used by the student to contest the underlying action taken by Pellissippi State which has been recorded in the student's record but will be limited to the issues of whether the record is inaccurate or misleading in recording the underlying action or whether Pellissippi State's placement of the information in the student's record is in violation of the student's rights.

#### Right to File a Complaint

If a student feels that his/her rights under the FERPA have been violated, he/she may file a complaint with the Vice President of Student Affairs. In addition, complaints of violations by Pellissippi State may be filed with the Office of the Secretary, United States Department of Education.

#### VI. Types and Locations of Educational Records

- A. Admission files are maintained in the Admissions and Records Office and on an imaging system. Each file contains the application for admission and, for a degree-seeking student, ACT scores if required, high school transcripts, official GED score reports if required, transcripts from all colleges and universities that the student previously attended, and miscellaneous working papers and letters as required. The Director of Admissions is responsible for the maintenance and security of files in the Admissions and Records Office.
- B. Transcripts are maintained on an imaging system. The student transcript lists academic credit transferred from regionally accredited colleges and universities and credit earned at Pellissippi State. The Registrar is responsible for the maintenance and security of these documents.
- C. Financial aid file folders and veterans' file folders are maintained in the Financial Aid Office. A financial aid folder may contain a Pell Grant Information Report (ISIR), award, conditions pertaining to awards, documents such as federal tax forms used to verify information on the ISIR, contract for work study, Voc-Rehab R5-C form, and miscellaneous working papers and letters. A veteran's file folder may contain a Certification of Attendance Form 1999, Change of Status Form 1999B, Form DD214x and any correspondence from the Veterans Administration which pertains to the student. The Director of Financial Aid is responsible for the maintenance and security of these records.
- D. Placement files and cooperative education files are maintained by the Placement Office. Placement file folders contain general information, a resume, EEO release, non-confidential recommendation forms, and a Pellissippi State transcript. Cooperative education (co-op) file folders contain work agreements, co-op application, letter of recommendation, co-op evaluations, co-op reports, and a Pellissippi State transcript. The Director of Placement is responsible for the maintenance and security of these files.
- E. Placement test scores are maintained in the Admissions and Records Office in an imaging system
- F. Other: Virtually all information concerning a student may be found in the offices listed in part VI. In addition, some of the information is also on file in various forms of the computer center, the Business Office and in the advisement files of individual instructors.

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