

Family Educational Rights & Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) is a federal law designed to protect the privacy of your educational records, to establish the rights you have as a student to inspect and review your education records, and to provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.

In accordance with FERPA, NDSCS is notifying you of your rights to:

- be informed about their educational records;
- inspect their educational records;
- request an amendment to their educational records;
- challenge the accuracy of their educational records;
- prevent unauthorized disclosure of their educational records;
- complain to DOE about a violation of FERPA; and
- waive these rights in writing.

Under FERPA, some information in a student's record is considered public (directory information) and may be released without the student's written permission. This information includes: (a) name (all names on record); (b) primary program enrolled in; (c) e-mail address (all electronic addresses on record); (d) phone number (all phone numbers on record); (e) height, weight and photos of athletic team members; (f) major field of study (all declared majors); (g) class level; (h) dates of attendance; (i) enrollment status (full-time or part-time); (j) names of previous institutions attended; (k) participation in officially recognized activities and sports; (l) honors/awards received; (m) degree earned (all degrees earned); (n) date degree earned (dates of all degrees earned); (o) photographic, video or electronic images of students taken and maintained by the institution. Everything else is generally considered to be confidential.

Students have the right to suppress/restrict the release of directory information. When a student chooses to suppress the release of information, that information will not be released to any source, including publications such as telephone directories or other institutional publications that may include President's Honor Roll, enrollment/degree information, etc. To suppress information please contact the Registrar at 701-671-2204 or email NDSCS.StudentRecords@ndscs.edu

NDSCS may receive inquiries for "directory information" from a variety of sources including, but not limited to prospective employers, other colleges and universities, graduate schools, licensing agencies, government agencies, media, parents, friends and relatives. Students should consider very carefully the consequences of their decision to withhold release of any or all directory information items. NDSCS has no responsibility to contact students for subsequent permission to release directory information after it is restricted. NDSCS will honor student requests to withhold directory information until the student specifically and officially requests the lift of these restrictions.

Educational records are those records which are directly related to a student and maintained by this institution or by a party acting for this institution. These records include any information from which students can be individually identified, and have not been previously defined as public directory information.

Under the laws of FERPA, NDSCS may not disclose information about current or former students nor permit inspection of their educational records without the expressed, written consent of the student. Deceased students' records will also be protected under NDUS Policy 1912. Records of deceased students may be released or disclosed only at the request of a parent, personal representative, or other qualified representative of the student's estate, or pursuant to a court order or subpoena.

Current and former students will be permitted to inspect and review their own educational records, to the exclusion of their parents and/or guardians. This applies to all students enrolled at NDSCS, regardless of age. Specific exemptions do apply to the release of educational records.

These exemptions include the situations that follow:

- Parents of students who are dependents, as defined under tax code, must be permitted to inspect and review the educational records of the student.
- Educational records must be disclosed pursuant to lawfully issued subpoenas or court orders.
- Educational records may be disclosed if knowledge of personal information contained in these education records is, in fact, deemed necessary by institutional personnel to protect the health or safety of the student or other person.
- Upon request, NDSCS discloses educational records without consent to officials of another North Dakota University System institution in which a student seeks or intends to enroll.
- The disclosure is made to College officials with a legitimate educational interest. A College official is a person employed by the College or the North Dakota University System in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company supervising an educational experience (student teaching, clinical experience, practicum, internship, etc.); a person or organization related to credentialing or licensing a student; a person or company with whom the College or North Dakota University System has contracted (such as an attorney, auditor, or collection agent); employees of the North Dakota Attorney General's Office providing legal representation to the College; a person serving on the Board of Higher Education; or a student serving on an official committee, such as a disciplinary or grievance Committee, or assisting another College/University or University System official in performing his or her tasks. A College/University official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Additional information regarding FERPA may be found on the NDSCS website (www.NDSCS.edu/FERPA), or contact the Registrar, at 701-671-2204 or via e-mail at NDSCS.StudentRecords@ndscs.edu.

A student may choose to suppress their directory information. If they choose to do so, they may also use the contact number/email address for further information and required documentation.

Students can file complaints with the US Department of Education, Student Privacy Policy Office's complaint process at studentprivacy.ed.gov/file-a-complaint.