Illinois Valley Community College
Important Information to Know About the Privacy of Student Records
Established March 2004

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Information Security Plan for Illinois Valley Community College

1. **Coordination:** The designated employees for the coordination and execution of the information security plan are:

   Vice President for Business Services and Finance  
   Director of Admissions and Records  
   Director of Information and Technology  
   Director of Human Resources  
   Controller  
   Assistant Controller/Bursar  

   All correspondence and inquiries should be directed to one of these individuals.

2. **Risks:** The following have been identified by the Information Security Team as relevant areas to be considered when assessing the risks to customer information:

   Employee management and training  
   Information systems  
   Managing system failures  
   Student loans  
   Student Financial Assistance office  
   Admissions and Records office  
   Business office  
   Bookstore  
   Corporate and Community Services office

3. **Safeguards:** The Vice President of Business Services & Finance will coordinate with the other designated employees listed in item 1 to maintain the information security program and will provide guidance in complying with all privacy regulations. Each relevant area is responsible to secure customer information in accordance with all privacy guidelines. A written security policy that details the information security policies and processes will be maintained by each relevant area and will be made available to the Vice President of Business Services & Finance upon request. In addition, the Information Services department will maintain and provide access to policies and procedures that protect against any anticipated threats to the security or integrity of electronic customer information and that guard against the unauthorized use of such information.

4. **Oversight of Service Providers:** IVCC will select appropriate service providers that are given access to customer information in the normal course of business and will contract with them to provide adequate safeguards. In the process of choosing a service provider that will have access to customer information, the evaluation process shall include the ability of the service provider to safeguard customer information. Contracts with service providers shall include the following provisions:

   a. An explicit acknowledgement that the contract allows the contract partner access to confidential information;  
   b. A specific definition of the confidential information being provided;

Adapted from: Sauk Valley Community College Information Security Plan, 3/03. Revised 9/24/04
c. A stipulation that the confidential information will be held in strict confidence and accessed only for the explicit business purpose of the contract;
d. A guarantee from the contract partner that it will ensure compliance with the protective conditions outlined in the contract;
e. A guarantee from the contract partner that it will protect the confidential information it accesses according to commercially acceptable standards and no less rigorously than it protects its own customers’ confidential information;
f. A provision allowing for the return or destruction of all confidential information received by the contract partner upon completion of the contract;
g. A stipulation allowing the entry of injunctive relief without posting bond in order to prevent or remedy breach of the confidentiality obligations of the contract;
h. A stipulation that any violation of the contract’s protective conditions amounts to a material breach of contract and entitles IVCC to immediately terminate the contract without penalty;
i. A provision allowing auditing of the contract partners’ compliance with the contract safeguard requirements; and
j. A provision ensuring that the contract’s protective requirements shall survive any termination agreement.

5. **Evaluation and Adjustment:** This information security plan shall be evaluated and adjusted in light of relevant circumstances, including changes in the College’s business arrangements or operations, or as a result of testing and monitoring the safeguards. Periodic auditing of each relevant area’s compliance shall be done by the Vice President of Business Services & Finance. Annual risk assessment and evaluation of the risk of new or changed business arrangements will be done by the designated employees listed in item 1.
Illinois Valley Community College
GLB Act and Financial Privacy Requirements

What is GLB?
The Gramm Leach Bliley Act, also referred to as the Financial Modernization Act of 1999, includes provisions to protect consumers’ personal financial information held by financial institutions. The Federal Trade Commission (FTC) confirmed that higher education institutions are considered financial institutions under this federal law. There are three principal parts to the privacy requirements: the Financial Privacy Rule, the Safeguards Rule, and pretexting provisions.

Basics

- The Financial Privacy Rule governs the collection and disclosure of customers’ personal financial information by financial institutions.
- The Safeguard Rule requires all financial institutions to design, implement, and maintain safeguards to protect customer information.
- The Pretexting provisions protect consumers from individuals and companies that obtain their personal financial information under false pretenses, a practice known as “pretexting.”

Key Information

We are required by law to:

- Ensure the security and confidentiality of covered records,
- Protect against any anticipated threats or hazards to the security of such records,
- Protect against unauthorized access or use of such records or information in ways that could result in substantial harm or inconvenience to customers.

Under the GLB Act, the FTC has implemented rules concerning financial privacy notices and the administrative, technical, and physical safeguarding of personal information.

According to a ruling by the FTC, colleges and universities that are in compliance with FERPA will be deemed to be in compliance with privacy rules falling under GLB.
Illinois Valley Community College
FERPA Basics

What is FERPA?

FERPA stands for Family Educational Rights and Privacy Act (sometimes called the Buckley Amendment). Passed by Congress in 1974, the Act grants four specific rights to the adult student:

- The right to see the information that the institution is keeping on the student
- The right to seek amendment to those records and in certain cases append a statement to the record
- The right to consent to disclosure of his/her records
- The right to file a complaint with the FERPA Office in Washington

What are the basic rules?

Student educational records are considered confidential and may not be released without the written consent of the student.

As a faculty or staff member you have a responsibility to protect educational records in your possession.

Some information is considered public (sometimes called “directory information”). This information can be released without the student’s written permission. However, the student may opt to consider this information confidential as well.

You have access to information only for legitimate use in completion of your responsibilities as a college employee. “Need to know” is the basic principle.

What are education records?

An education record is defined as information recorded in any form that is directly related to a student and maintained by the college and by those acting for the college. This includes personal information, enrollment records, grades and schedules. The storage medium in which you find the information does not matter. A student educational record may be a document in the Admissions office, a computer printout in your office, a class list on your desktop, or a computer display screen.

Education records do not include:

- Records of instructional, supervisory and administrative personnel kept in the sole possession of the maker of the record and not revealed to anyone other than the maker’s substitute;
- Records of the Security department created and maintained by that department and used solely for security purposes;
- Records relating to employees, other than student workers;
- Records which include information about an individual after he/she is no longer a student.

Adapted from: Sauk Valley Community College Information Security Plan, 3/03. Revised 9/24/04
The college must grant requests to review records within a reasonable time, no more than 45 days after the request is received.

What is directory information?

- Name
- Address
- Telephone number
- Major field of study
- Dates of attendance
- Degrees and awards received
- Most recent educational institution attended
- Photographs
- Participation in recognized activities and sports
- Weight and height of members of athletic teams

What is prior written consent?

A signed and dated document specifying the records to be disclosed, the purpose of the disclosure and the identity of the person to whom records will be disclosed.

When is consent not required?

- For legitimate educational purposes within the college.
- For officials at an institution in which the student seeks to enroll.
- To comply with a court order or subpoena.
- In connection with a health or safety emergency if necessary to protect the student or others.
- For parents of students who are dependents for income tax purposes, and who have provided IRS documentation as such.
- If it is directory information.
- For accrediting organizations.
- For appropriate parties in connection with financial aid to a student to determine eligibility, amount or conditions of financial aid, or to enforce the terms and conditions of aid.
Illinois Valley Community College
Student Records and Confidentiality
(From College Catalog)

The College policy on student records complies with the “Family Educational Rights and Privacy Act.” This Act is designed to protect the privacy of education records, to establish the rights of students to inspect and review their education records, and to provide guidelines for correction of incorrect or misleading data through formal and informal hearings. More specifically, FERPA affords students the following:

1. The right to inspect and review the student’s education records within 45 days of the day the College receives a request for access. Students should submit to the registrar, Director of Admissions and Records, or the Vice President of Student Services written requests that identify the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected.

2. The right to request the amendment of the student’s education records that the student believes is inaccurate or misleading. Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment.

3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by the College in an administrative, supervisory, academic, or support staff position (including law enforcement unit and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the 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, DC 20202-4605

No one outside of the College shall have access to nor will the College disclose any information about student education records without the written consent of the student. Exceptions are:

- School officials demonstrating a legitimate educational interest
- Schools in which a student seeks or intends to enroll

Adapted from: Sauk Valley Community College Information Security Plan, 3/03. Revised 9/24/04
• Federal, State and local authorities involved in auditing or evaluating compliance with education programs
• In connection with financial aid
• Organizations conducting studies for or on behalf of educational institutions
• Accrediting organizations
• Parents of a dependent student, as defined by the IRS
• Compliance with a judicial order or subpoena (the College must make a reasonable effort to notify the student in advance of compliance)
• Health or safety emergencies
• Directory information
• Results of a disciplinary hearing to an alleged victim of a crime of violence
• Certain agencies such as the U.S. Attorney General's Office, Secretary of Education, and state education agencies

The following information is designated by the college as public or "Directory Information" and may be released for any purpose at the discretion of the College.

• Name
• Address
• Telephone number
• Major field of study
• Dates of attendance
• Degrees and awards received
• Most recent educational institution attended
• Photographs
• Participation in recognized activities and sports
• Weight and height of members of athletic teams

Currently enrolled students may request to withhold Directory Information by submitting to the Office of Admissions and Records a “Request to Prevent Disclosure of Directory Information” form. A copy of the Act or questions concerning the Family Educational Rights and Privacy Act may be referred to the Vice President of Student Services, ext. 271.

What can happen if we fail to follow the law?
Violations of FERPA and GLB rules can lead to lawsuits, loss of federal funding, conviction of a misdemeanor under the Public Information Act with possible imprisonment or fines, and/or dismissal.

Adapted from: Sauk Valley Community College Information Security Plan, 3/03. Revised 9/24/04
Illinois Valley Community College
Information Security Quiz

1. **If a student’s parent calls asking how a student is doing in a class, can you give out that information?**

   No. Even though the person inquiring may be the student’s parent, FERPA recognizes students in secondary education as adults, regardless of age. Therefore, you cannot give out that grade, or any other non-directory information.

   *General Rule:* You must assume that the student is an adult who is entitled to privacy, even from parents. Parents may assert their rights to the records if the student is a dependent according to the tax code.

2. **Can a parent or spouse be given information over the phone concerning the student’s tuition charges, account balance, or financial aid?**

   No. Even though the parent or spouse may have paid the tuition, you cannot give out such information. You must assume that the student is an adult who is entitled to privacy, even from parents or his/her spouse. Parents may assert their rights to the records if the student is dependent according to the tax code (appropriate IRS tax information must be provided).

3. **You receive a call from a recruiting firm asking for names and addresses of students with a GPA of 3.0 or better. They say they have good job information for these students. Can you help these students get jobs by giving out this information?**

   No. Although we all want to help students to get good jobs, that request should be sent to the appropriate office.

   *General Rule:* Do not give out student information that pertains to grade point average to anyone without prior written consent of that student. In this case the request should be forwarded to the Admissions Office. All outside requests for any information such as Dean’s Lists must be referred to the Admissions Office. Information about the recruiting firm could be provided to students in the appropriate major, and to the Career Services Center.

4. **Can faculty write a letter of recommendation without the student’s or former student’s authorization?**

   Yes. But only if the information contained in the recommendation is based on personal knowledge and does not reference information contained in the education record (e.g., grades, schedule, etc.). It is always best to obtain a written release. A good rule of thumb – do not give out student record information to anyone outside the college without prior written consent of the student.

5. **A person goes to the Dean’s office with a letter containing a signature that gives consent to release the official transcript of a student. Do you give the transcript to them?**

   No. Transcripts and record information are available only through the Admissions Office.

   *General Rule:* Official transcripts are available only through the Admissions Office. Do not give any records to a third party.

6. **You receive a phone call from the local police department indicating that they are trying to determine whether a particular student was in attendance on a specific day. Since they are in the middle of an investigation are you allowed to give them this information?**

   No. The police should be directed to the Vice President of Student Services.

Adapted from: Sauk Valley Community College Information Security Plan, 3/03. Revised 9/24/04
General Rule: Information about whether or not a student was enrolled in a particular semester is directory information and can be obtained through the Admissions Office. If the police require more information, a subpoena may be required. Additionally, FERPA requires notification of the student, unless it is specifically stated on the subpoena that the student must not be notified.

7. You receive a frantic phone call from an individual who says he is a student’s father and must get in touch with her immediately because of a family emergency. Can you tell him when and where her next class is today?

No. For the safety of the student you cannot tell another person where a student is at any time. Transfer the person to the Vice President of Student Services (x434) for more information. That office will coordinate with Safety Services to locate and contact the student as appropriate.

8. Is it wrong for professors to leave exams, papers, etc., outside their offices for students to pick up?

Yes. That is a violation of the privacy rule because it is inappropriate for students to have access to other students’ information.

General Rule: You may not leave personally identifiable materials in a public place.

9. An unauthorized person retrieves information from a computer screen that was left unattended. Under FERPA, is the institution responsible?

Yes. Information on a computer screen should be treated the same as printed reports.

General Rule: The medium in which the information is held is unimportant. No information should be left accessible or unattended, including computer displays.

10. You are the faculty advisor of the college’s student affiliate of a national service club. The local chapter is required to keep on file, in your office, a current copy of the chapter’s financial statements. A reporter from the student newspaper calls and asks you for a copy of the most recent statements. Does FERPA prohibit the disclosure of this information?

No. FERPA only pertains to information that is directly related to a student. The finances of a student organization do not directly relate to a student. While other considerations might restrict sharing this information with the newspaper, FERPA does not. FERPA would prohibit sharing this information if the financial statements became a document used in an investigation into suspected fiscal irregularities by the chapter treasurer.

11. Does FERPA prohibit the disclosure of the work address and telephone number of an alumnus by the Foundation?

No. FERPA does not protect information about a student that is gathered after the student graduates. Had the request been for the alum’s GPA, FERPA would apply.

12. The campus suffers significant damage from vandals. As a security officer, you investigate the incident and obtain several students’ confessions that they committed the acts of vandalism. You share this information with the local police and the Office of Student Services. The Office of Student Services intends to use the information to initiate disciplinary action against the students. Do the students involved have the right to inspect and review the records you have made of their confessions?
Yes. Once the information is shared with the Office of Student Services, it becomes protected by FERPA and is subject to the right of inspection and review. Had it been shared only with the police, students would not have a right to inspect because FERPA would not apply.

13. You serve as chair of the nursing program’s admissions committee. A first year student who was admitted under special conditions requests the opportunity to review her admissions file. She insists on reviewing these materials no later than the close of business the following day. Does FERPA require you to respond to her request by allowing her to review the records when she wants to?

No. IVCC must grant the request to review within a reasonable time, but in no case more than 45 days after the request is received. It is not required to respond to a request within 24 hours.

14. A student’s father comes to the Admissions Office and presents a piece of paper signed by the student that states: “I consent to the disclosure of my education records to my father.” The paper is signed and dated. The father proves to you that he is the father of the student in question. Does this constitute sufficient written consent under FERPA?

No. This consent does not specify the records to be disclosed, or the purpose of the disclosure. Specific information concerning the records, the name of the person to whom the disclosure is made and the purpose of the disclosure must be presented in writing. A form for this procedure will be available in the Admissions and Records Office.

15. As Vice President of Student Services you learn that an IVCC student is under criminal investigation for selling drugs. The district attorney’s office delivers a grand jury subpoena that requests copies of the student’s disciplinary records. May you comply with the request without first obtaining the student’s consent?

Yes. Prior written consent to disclosure is not required where a subpoena has been issued.

16. A husband and wife are in your class together. The wife comes to pick up her grade and requests you send home her husband’s grade with her, explaining that he is at work. Can you give her his grade?

No. FERPA requires that the student submit written consent to release that information. The consent in this case should be signed by the husband and should specify that the grade for that class should be released to the wife because he could not attend class.

17. You are a faculty member at IVCC. Your nephew is a student at IVCC, and you promised his mother that you would pull up his grades once they were posted, since you have access to Colleague. Do you have a right to do so?

No. You have access to information only for legitimate use in completion of your responsibilities as a college employee. The mother may request her son’s grades from the Admissions Office if she provides IRS documentation showing that he is her dependent, or the son may submit appropriate written consent to the Admissions Office.