



### **Purpose**

To provide policy regarding the obligations of the College and the rights of students under the Family Educational Rights and Privacy Act.

### **General Policy**

The Family Educational Rights and Privacy Act of 1974 (FERPA) sets forth requirements designed to protect the privacy of student educational records.

The College shall recognize the rights and privacy afforded by law to students with respect to their education records.

“Educational records” is defined for purposes of this policy as those records, files, documents and other materials which contain information directly related to students and as maintained by the College, except those records which FERPA excludes as educational records.

Such educational records shall be considered as official College records, and as such, shall remain the property of the College.

Information contained in the educational records shall be fully explained and interpreted to students upon request.

Students shall have the right to review only their own records. When a record contains information about more than one student, disclosure to one student shall not include information regarding any other student.

A person who has reached eighteen years of age or is attending the College shall be deemed as an eligible student, entitled to have access to that person’s educational records.

The records shall be open to revision only as indicated by FERPA and upon the terms and conditions established by the College and set forth by the Vice President of Student Services.

### **Student Rights Afforded by FERPA**

The following rights are afforded to students according to FERPA:

1. The right to inspect and review the student’s education records within forty-five days after the College receives a request for access.

Any request for student records shall be submitted to the College Registrar, or other appropriate official, shall be in writing, and shall identify the record(s) requested. The receiving College official shall make arrangements for access and notify the student of the time and place at which the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. The College is not required to provide copies of records unless, for reasons such as great distance, it is impossible for the student to review the records. The College may charge a reasonable fee for copying the records.

2. The right to request the amendment of the student's records that the student believes is inaccurate or misleading.

In such case, the student shall be expected to write the College official responsible for the record, clearly identify the part of the record to be changed and specify why the record element is inaccurate or misleading.

If the College declines to amend the record as requested by the student, the College shall notify the student of the decision and advise the student of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures shall be provided to the student with the notification of the right to a hearing.

3. The right that the College not be required to consider requests for amendment under FERPA that (a) seek to change a grade, unless the grade was recorded inaccurately; (b) seek to change disciplinary decision; or (c) seek to change the opinions or reflections of a College official or other person presented in an educational record.
4. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent FERPA authorizes disclosures without consent.
5. The right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920, concerning alleged failures to comply with the requirement of FERPA.

### **Release of Student Records**

FERPA allows for the release of student records without written consent of the student under the following conditions:

1. To school officials with legitimate educational interests to review an educational record in order to fulfill a professional responsibility. Such official shall be a person employed by the College in an administrative, supervisory, academic or research, security or other support staff position (including security personnel); a person or company with whom the College has contracted, such as an attorney, auditor or collection agent; a person serving as a member of the Board of Trustees; or a student service on an official committee, such as the Student Disciplinary Committee or Student Grievance Committee or assisting other College officials in performing tasks.
2. To officials of other institutions at which the student intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of U.S. Department of Education or State and local authorities.
4. In connection with the student's application for and receipt of financial aid.
5. To state and federal officials, authorities and agencies that are specifically exempted from the prior consent requirements.
6. To organizations conducting studies for, or on behalf of, educational agencies or institutions.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a student who have established the student's status as a dependent, according to section 152 of the Internal Revenue Code of 1986, as amended.
9. To comply with a judicial order or lawfully issued subpoena.
10. In connection with a health or safety emergency when a knowledge of the information is necessary to protect the health or safety of the

student or other individual(s).

11. Of final results of any disciplinary proceedings conducted by the College against alleged perpetrators of a crime of violence or non-forcible sex offense to the alleged victim of that crime.
12. Disclosure relating to sex offenders and other individuals required under section 171010 of the Violent Crime Control and Law Enforcement Act of 1994, U.S.C. 14071, and the information was provided to the educational agency or institution under 42 U.S.C. 14071 and applicable federal guidelines.
13. To a parent of a student at the College regarding the student's violation of any federal, state or local law, or of any College rule or policy governing the use or possession of alcohol or a controlled substance if the College determines that the student has committed a disciplinary violation with respect to that use or possession and the student is under the legal age at the time of the parental disclosure.
14. As information which the College has designated as directory information, such as student name, program/field of study, dates of attendance, enrollment status, photographs, degrees and graduation honors received, unless dictated otherwise by other federal regulations.
15. To the student.

### **Nondisclosure Request**

Students who do not wish any or all of their educational record information to be released shall make a nondisclosure request known by submitting such a request in writing to the Records and Registration office during the first ten days of the semester.

Failure on the part of any student to file a request for nondisclosure shall indicate that the student consents to the disclosure. Questions or further information on this policy can be directed to the Records and Registration Office.