

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Fulton-Montgomery Community College complies with requirements of the federal Family Educational Rights and Privacy Act (FERPA) of 1974 concerning access to and confidentiality of students' educational and related records. The College accords all the rights under this law to all students regardless of age. Exceptions to this application in specific cases are those students who it can be documented are considered dependents as defined in section 152 of the Federal Internal Revenue Code of 1986. In these instances the individual who declares them as dependent with the IRS may have access to specific educational information.

In general no one shall have access to, nor will the institution disclose, any information from current or past students' educational records without the written consent of the students except:

1. To personnel within the College
2. To persons or organizations providing students' financial aid
3. To accrediting agencies carrying out their accreditation function
4. To persons in compliance with a judicial order or lawfully executed subpoena
5. In connection with the Attorney General's investigation or enforcement of Federal legal requirements of federally supported education programs
6. Where disclosure of a student's educational records to the court are necessary for the institution to defend itself against or initiate legal action against a parent or student, records may be disclosed without a court order
7. To persons in an emergency when a College official (senior administrator or designee) determines it is necessary to do so to protect the health or safety of students or other persons.

All exceptions are permitted under FERPA, as is the disclosure of Directory Information, discussed later in this policy, and at the discretion of the College.

Disclosure to personnel within the College is limited to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including alumni department staff and law enforcement unit personnel); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person employed by the University's System Administration; a person serving on the Board of Trustees; or a student serving on an officials committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate interest if the official needs to review an educational record in order to fulfill his or her professional responsibility to the College.

The College, at its discretion, may provide Directory Information in accordance with provisions of FERPA, to include: name, local and permanent address, telephone numbers, electronic mail address, photographs, dates of attendance, enrollment status (full-time/part-time), previous institutions attended, major field of study, academic level (year in school), degrees and awards received and dates awarded, participation in officially recognized activities/sports, physical factors (height and weight) of athletic team members, date and place of birth.

Students currently enrolled can object to the release of certain categories of information by notifying in writing the Registrar's Office at the College within fourteen (14) days following the first day of class. The failure of any student to specifically object to the release of certain information or categories of information within the time indicated will be interpreted as approval. Requests for non-disclosure will be honored by the College for only one academic year.

Authorization to withhold Directory Information must be filed annually with the Registrar's Office.

FERPA provides students with the right to inspect and review information contained in their educational records, to challenge the contents of their educational records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decision of the hearing is unacceptable. The initial request to review records should be directed to the office or department where the record is housed. Official academic records are considered those held in the Registrar's Office. Other departments that maintain students records include but are not limited to: the Financial Aid Office, the Admissions Office, the Student Development Center, college administered programs that provide academic services and personal support to special populations of students, and the Office of the Vice President for Student Affairs (discipline matters). Records are maintained and kept in accordance with the provisions of New York State's document "Records Retention and Disposition Schedule MI-1, Section 185.14, 8NYCRR (Appendix K)".

The College may require written requests at its discretion to review certain records, in which case the College will respond in writing to such requests within thirty (30) days. Students may have copies made of their records with the exception of official academic records for which there has been placed a "hold" for financial or disciplinary reasons. These copies will be made at the student's expense at the prevailing rate listed in the annual fee schedule. Educational records DO NOT include: records of instructional, administrative or professional support personnel which are the sole possession of the maker and are not accessible to others; records related to law enforcement and security: employment records; health records, the last being made available upon the written request to the student's physician.

As specified in FERPA students may NOT inspect and review: financial information supplied by their parents/ legal guardian; confidential letters of recommendations associated with admission to a program, transfer or employment when they have waived their right of inspection and review; records containing information about more than one student. In the last situation the College will provide only that information pertinent to the inquiring student with the following exception: The disclosure of the final results of a student disciplinary proceeding against the alleged perpetrator of a crime of violence or a non-forcible sex offense may be disclosed to the victim. The College is not required to allow inspection and review of any confidential letters or recommendations in their files prior to January 1, 1975 provided these letters were collected under established procedures for confidentiality and were used only for the purposes for which they were collected.

The College is permitted under FERPA to disclose to a parent of a student the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use of or possession of alcohol or a controlled substance, if the institution determines that the student has committed a disciplinary violation with respect to that use or possession AND the student is under 21 at the time of the disclosure to the parent.

Students who believe their educational records contain information that has been recorded inaccurately or in a way that misleads, or is otherwise in violation of their privacy or other rights may discuss their problems informally with the Registrar, in the case of the official academic records, or the appropriate Dean/ Vice President in the case of other offices' files. If the decision is in agreement with the student's request, the appropriate records will be amended. If not, the student will be notified within thirty (30) days that the record will not be amended. The student will also be informed of his/her right to a formal hearing. Student requests for such a hearing must be made in writing to the Provost and Vice President for Academic Affairs within thirty (30) days of the refusal to amend the records. A hearing will be scheduled within thirty (30) days from the time the student's written request for such a hearing is received. At the hearing the student may present evidence relevant to the issues raised, and may be assisted or represented at the hearing by one or more persons of their choice, including attorneys, at the student's expense. The hearing panel will consist of the Provost and Vice President for Academic Affairs, the Vice President for Student Affairs, and one Academic Dean representing the student's academic program.

Decisions of the hearing panel will be final and will be based solely on the evidence presented at the hearing. The decision will include written statements summarizing the evidence presented as well as the statement of the decision. This document will be distributed to all parties involved in the hearing. If record amendment is required, this will be done within thirty (30) days after the hearing concludes. If the records are not to be amended, the student may place with the educational records statements commenting on the information in the records or a statement disagreeing with the decision of the hearing panel. All such statements will be placed in the record and will be maintained as a part of the record, and will be released whenever the record in question is disclosed.

The above process is limited to issues concerning accuracy in the recording and/or maintenance of student records, and to violation of student privacy rights. It does not change or supersede the remedies available to individuals addressed by the following procedures: "Appeal of Academic Regulations," "Appeal for Review of Grades," "Complaint Procedures," or the process outlined in the "Academic Integrity Policy and Procedures."

Students who believe that the adjudication of their challenges was unfair or not in keeping with the provisions of FERPA may request in writing assistance from the President of the College. Further, students who believe that their rights have been abridged can file complaints with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. concerning the alleged failure of Fulton-Montgomery Community College to comply with FERPA.