

The *Family Educational Rights and Privacy Act* (FERPA) affords students certain rights with respect to their education records. These rights include:

**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. A student should submit to the Registrar a written request that identifies the record(s) the student wishes to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records requested are not maintained by the Registrar, s/he shall advise the student of the correct official to whom the request should be addressed.

**2)** The right to request the amendment of the student's education records that the student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the College to amend a record should write the College official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

**3)** The right to provide written consent before the College discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The College discloses education records without a student's prior written consent under the FERPA exception for disclosure 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 law enforcement unit personnel and health staff); a person or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/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 responsibilities for the College.

**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 20202-5901*

#### **Student Definition**

"Student" includes any person for whom the College maintains an Education Record, whether or not that person is currently in attendance. Persons who have not yet been in attendance are not students entitled to review their records. Thus, persons who have applied to and been admitted to the College but who have not yet begun to attend class are not eligible to review their records nor are the records subject to FERPA guidelines and restrictions.

#### **Education Records Definition**

"Education Records" available for review are defined as those records, files, documents, and other materials that contain information directly related to a student and that are maintained by the College. The form in which the information is maintained by the College does not matter; for example, computerized or electronic files, audio or video tape, photographic images, film, etc., with such information are all Education Records. This includes communications and documents distributed or

## Family Educational Rights and Privacy (FERPA)

received by e-mail, or other similar College systems, which are retained in these systems, either by the sending or receiving party. In general, records maintained by the College that are available for student review are located in the Registrar's Office, Admissions Office, the student's academic department, Career Services (if student has a file there), Financial Aid (if student has applied for aid), school advisement offices, and the Bursar's Office. Not all of these categories of records are maintained for any given student, and there may be others.

Under FERPA and its related regulations the following types of College records are not considered education records:

- Personal notes or records (including computerized files) that are kept by an individual College employee solely in her or his possession, are used only as a personal memory aid, and are not accessible or revealed to others, except to a temporary substitute.
- Records that relate to an individual who is employed by the College and that (a) are made and maintained in the normal course of business, (b) are not available for use for any other purpose, and (c) relate exclusively to the individual in that individual's capacity as an employee. This exception does not apply to records that relate to a student in attendance at the College who is employed as a result of his or her status as a student.
- Medical and psychiatric records, which are confidential and entitled to legal privileges of non-disclosure.
- Records that contain information relating to an individual who no longer is a student at the College and that are not directly related to the individual's attendance as a student, i.e., alumni records.
- Grades or peer-graded papers before they are collected and recorded by an instructor.

Also, the College does not have to permit a student to review education records that are:

- Financial records of the parents of a student.
- Confidential letters and statements of recommendation placed in the education records of a student.

#### **Disclosure of Personally Identifiable Information (PII)**

FERPA permits the disclosure of Personally Identifiable Information (PII) from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the Education Records without obtaining prior written consent of the student:

- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the College's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.

- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency, subject to information the school has designated as Directory Information.
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her.
- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.

#### **FERPA Waiver**

Students who wish to authorize release of Non-Directory information to parents, guardians, or any other individual may do so by submitting a *FERPA Waiver Request* to the Registrar's Office. By signing a Waiver, the student is waiving his/her rights under the Family Educational Rights and Privacy Act and is asking that Non-Directory information such as grades, grade point averages, course schedules, or academic standing be released to the named person(s) indicated on the Waiver. While the signing of this release form permits disclosure, it does not place a legal obligation upon the College to release any educational records to the individual(s) named. Requested information may be released to the named person(s) only if they present photo identification, or make a request in writing.

#### **Financial Aid and Billing Exceptions**

FERPA provides an exception regarding the release of education records information without the consent of the student when the release is related to financial aid. The disclosure is permitted if the information is necessary to determine eligibility for the aid; determine the amount of aid; determine the conditions for the aid; and/or enforce the terms and conditions of the aid. Billing information, including tuition and fee charges; outstanding balances; and financial aid information, may be communicated via telephone providing the caller can correctly answer personally identifiable questions that only the student or parent/guardian would be able to answer. These questions may include, but are not limited to, Student Identification Number; address(es) on file; High School or previous institutions attended; and/or currently enrolled courses.

#### **Statement Regarding Dependent Students**

Institutions are not required to disclose information from the student's education records to a parent of a dependent student. Five Towns College does not accept proof of dependency status in lieu of a FERPA Waiver Request.

#### **Campus Security/Police Records and Disciplinary Records**

In order to remain exempt from FERPA, law enforcement and disciplinary records are therefore created by Public Safety and/or Dean of Student's Office, for a law enforcement or disciplinary purposes, and are maintained separately from education records.

#### **Retention and Release of Documents**

Five Towns College does not re-release official copies of documents submitted for admission, scholarship application, or any other academic reason. This includes, but is not limited to, High School or non-Five Towns College transcripts, and immunization records. A student may request in writing copies of documents in the academic file; the copies provided will bear a FILE COPY watermark. Five Towns College follows the *American Associate of Collegiate Registrars and Admissions Officer's* (AACRAO) guidelines for retention and disposal of student records: documents in academic files are destroyed following 5 years of non-attendance for any reason.

#### **Information Designated as Directory Information**

Five Towns College hereby designates the following information as public or Directory Information. Such information may be disclosed without a student's previous consent by the College at its discretion:

- Student Name(s) and Student ID Number
- Address Information (local, permanent, and FTC email)\*
- Telephone number (local and permanent) \*
- Date and place of birth \*
- Program major(s)/concentration(s)
- Student activities including athletics
- Dates of attendance
- Date of graduation, degrees sought/conferred, other academic awards
- Most recent previous school attended and/or high school
- Academic awards and scholarships, including Dean's Honor List
- Full- or Part-time status

\* This information is not usually provided without a written request indicating the reason(s) for the information. The College reserves the right to restrict the release of Directory Information.

#### **Student's Right to Non-Disclosure of Directory Information**

FERPA requires institutions to give public notice to students in attendance of the categories of Personally Identifiable Information which the institution has designated as Directory Information.

#### **Procedure to Withhold Directory Information**

Five Towns College will not partially withhold Directory Information, so students are advised to think carefully before withholding disclosure as this may prevent third-parties from obtaining critical information in a timely manner, including degree conferral and enrollment verification. To withhold disclosure of Directory Information, written notification must be provided. Five Towns College assumes that failure on the part of any student to specifically request the withholding of Directory Information indicates individual approval for disclosures. If a student wishes to restrict the release of Directory Information, he/she must contact the Registrar, who will explain the ramifications and provide a statement for signature.

#### **Policy Notification**

At the beginning of each Fall and Spring semester, every student enrolled at Five Towns College receives an email from the Registrar containing an updated FERPA policy for the current academic year. Printed copies are always available in the Registrar's Office.

#### **Registrar's Office**

Five Towns College 305 North Service Road Dix Hills, NY 11746  
P: (631) 656-3100 F: (631) 656-2172