

## CONFIDENTIALITY OF STUDENT RECORDS (FERPA)

### Introduction

Monroe County Community College recognizes the importance of maintaining records for each individual student, which present authentic evidence of the events and actions, which both contribute to and confirm the student's educational progress; and to facilitate the intelligent and purposeful direction necessary to the achievement of the educational goals of the student in a college setting.

State and federal laws govern the release and disclosure of student records maintained by the College. It is the purpose of these guidelines to provide reasonable interpretations of the laws as presently stated and to protect the student's right of privacy. These guidelines have a two-fold purpose:

- To protect a student's right to the privacy of information the College has concerning the student, and
- To provide guidelines for release or disclosure of such information within the meaning of federal and state law and as may be necessary for the effective functioning of the College.

### Notification to Students of Rights under the Family Educational Rights and Privacy Act (FERPA)

The [Family Educational Rights and Privacy Act \(FERPA\)](#) provide students certain rights related to their educational records. They are:

- The right to inspect and review the educational records within 45 days of the day the College receives a request for access. The student must submit to the Registrar a written request that identifies the record(s) to be inspected. The College will make arrangements for access and notify the student of the time and place where the record(s) may be inspected. If the College official to whom the request was submitted does not maintain the record(s), that official will advise the student of the correct official to whom the request must be addressed.
- The right to request an amendment to the student's educational record(s) the student believes is inaccurate or misleading.

#### *Procedure to Request an Amendment to Educational Record(s)*

If a student is denied access to his/her record, or if he/she contests the factual accuracy of his/her record, he/she must submit a written request for a hearing to the Registrar. The written request must identify in specific terms the information the student believes to be inaccurate, misleading or otherwise violates the privacy of the student; state the reason or reasons for challenging the portion of the record identified; and state the remedy sought, which may be either the correction or deletion of the information challenged. The substantive judgment of a faculty member about a student's work, expressed in grades assigned in a course and other evaluation of a student's work, is not within the scope of such hearings. Hearings will be limited to the factual accuracy of the record.

- If a student challenges the content of the record, Monroe County Community College will attempt to settle such a dispute through an informal meeting with the Registrar and the eligible student within 10 days.
- If, as a result of the hearing, it is determined that the record is factually inaccurate, it will be amended and the inaccurate material either destroyed (if this does not violate audit

responsibilities for record keeping) or so annotated as to indicate nature and source of error and date of correction.

- If the dispute is not resolved by the Registrar, a second meeting may be held with the Vice President of Student and Information Services. The eligible student will be afforded a full and fair opportunity to present evidence relevant to the issues raised and the decision will be rendered in writing within 45 days after the conclusion of the meeting with the Vice President.
- The right to consent to disclosures of personally identifiable information contained in the student's educational record, 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 a person employed by the College in an administrative, professional staff, faculty, support staff and student position; a person or company with whom the College has contracted (such as an attorney, auditor, or collection agency); 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 educational record in order to fulfill her/his professional responsibility. Upon request, the College discloses educational records without consent to officials of another school to facilitate the student's transfer and enrollment.
- The right to file a complaint with the United States Department of Educational concerning alleged failures by Monroe County Community College to comply with the requirements of FERPA. The complaint can be sent to the office that administers FERPA:

*Family Policy Compliance Office  
U.S. Department of Educational  
600 Independence Avenue, SW  
Washington, DC 20202-4605*

### **Directory Information**

Monroe County Community College defines "directory information" as:

- A student's name,
- Student's address,
- Student's email address,
- Major field of study,
- Dates of attendance,
- Degrees and awards received,
- Most recent educational agency or institution attended.

The College may include a student's directory information in publications or otherwise release such information to the public without a student's consent unless a student has informed the College in writing that his or her directory information is confidential. This notice must be sent or delivered in person to the Registrar's Office, Monroe County Community College, 1555 S. Raisinville Road, Monroe, MI 48161.

An oral or written request for a student's directory must be directed to the Registrar's Office. The Registrar's Office will respond as time permits. The Registrar reserves the right to deny any request for directory information or to charge a fee for information provided in response to a request.

### **Solomon Amendment Directory Information**

Effective March 29, 1997, schools are required to provide the Department of Defense access to directory information upon request. A student may request in writing to withhold the release of any or all of this information to the Department of Defense. Such a request must be sent to the Registrar's Office, Monroe County Community College, 1555 S. Raisinville Road, Monroe, MI 48161.

### **Family Educational Rights and Privacy Act Regulations Governing Disclosure of Confidential Records**

- *Disclosure of Confidential Information to the Student*  
A student may inspect, review or obtain a photocopy of his or her educational record by submitting a written request, signed by the student, to the Registrar. The Registrar will arrange a time and date for the student to view the record, or provide the student with a photocopy of the record requested within 45 days after receiving the request. The College may permit a student to inspect, review, or obtain a photocopy of his or her educational record upon receipt of that student's in-person, oral request. However, a student must, if requested, provide photo identification, which may be photocopied and kept in the student's file, before reviewing or receiving a copy of his or her educational record.
- *Disclosure of Confidential Information to Third Parties*  
Except to the extent FERPA authorizes disclosure without consent, personally identifiable information contained in a student's educational record will be disclosed to third parties only with prior written consent of the student. The consent must (1) identify the individual, agency, or classes of individuals or agencies to whom the information is to be made available; and (2) specify the records to be released.

FERPA authorizes the disclosure of personally identifiable information contained in a student educational record without the consent of the student under various circumstances. The College may disclose such information: (1) to other Monroe County Community College officials, including teachers, whom the College has determined to have legitimate educational interests; (2) to officials of another school where a student seeks or intends to enroll; (3) to the Comptroller General of the United States, the Secretary of Educational, or state and local educational authorities; (4) in connection with financial aid for which the student has applied or which the student has received; (5) to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction; (6) to accrediting organizations to carry out their accrediting functions; (7) to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954; (8) to comply with a judicial order or lawfully issued subpoena; (9) to persons in connection with a health or safety emergency; (10) information designated "directory information;" (11) to an alleged victim of any crime of violence of any disciplinary proceeding conducted by an institution of post-secondary educational against the alleged perpetrator of that crime.

- *Parental Access to Student Records*  
A parent does not automatically have access to their child's student records. The Guidelines for Post-Secondary Institutions for Implementation of the Family Educational Rights and Privacy Act of 1974 as amended - revised edition 1995, states: "At the post secondary level, parents have no inherent rights to inspect a student's educational records." As a general rule a student must consent in writing to the release of his or her educational records.
- *Release of Information Form*  
Student may complete and sign a "Release of Information Form" to allow other people to obtain access to their student records. The form may be obtained from the Registrar's Office. As with all requests to review records, any person requesting access to student records must provide photo identification that may be photocopied and kept in the student's file.
- *Verifying Identity*  
Before releasing or discussing student information employees of the College will follow the below practices to ensure adequate authentication of student identity.
  - In-person verification – an unexpired, valid government issued photo identification (e.g. driver's license, non-driver's identification card, other State issued identification, U.S. passport) or Monroe County Community College identification card must be presented
  - Phone verification – callers must provide: first & last name, birthdate, student ID number/Last 4 digits of Social Security Number and current address
- *Employee Code of Responsibility for Security and Confidentiality of Student Records*

All employees of Monroe County Community College are required to protect the privacy of student records. Employees may exchange student information as long as it is required for advising or for another legitimate educational purpose. The following is the Employee Code of Responsibility for Security and Confidentiality of Student Records. Each employee is expected to adhere to the following.

Employees will not:

- make or permit unauthorized use of any information in files maintained, stored, controlled or processed by the College's Student Information Systems. Authorized use of the College's Student Information Systems is related to the defined job description and responsibilities of the individual accessing the information.
- seek personal benefit or permit others to benefit personally by confidential information which has come to them by virtue of their work assignment and in accordance with College policies and procedures.
- exhibit or divulge the contents of any records or reports to any person except to conduct their work assignments in accordance with College policies and procedures. Employees must have a legitimate educational purpose to retrieve, use and share student information.
- knowingly include or cause to be included in any record or report a false, inaccurate or misleading entry. No one may knowingly change or delete or cause to be changed or deleted an entry in any record or report, unless in accordance with College policies and procedures.
- remove any official record or report, or copy thereof, from the office where it is maintained except in the performance of a person's duties.

Employees must:

- store and dispose confidential data in a secure manner in accordance with the College's Record and Retention Policy (6.13) when no longer needed. This includes all types of media (paper, digital storage, backup tape, computer hard drive, etc.).
- protect confidential student data being transported physically or electronically. To reduce risks of lost or stolen information, data should only be transported off campus and stored on digital devices when absolutely necessary.
- obey all relevant laws and College policy and procedures, including but not limited to, FERPA, Acceptable Use for the Information Technology Systems Policy, Policy on the Use, Disclosure, and Disposal of Student/Employee Social Security Numbers, the Copyright Policy and the Red Flag Policy.
- log off any Student Information System sessions on systems that will be unattended.
- return all information to which they have had access to at the end of employment or contract with Monroe County Community College.
- promptly report violations or suspected violations of this code

All college employees sign off on the Employee Code of Responsibility for Security and Confidentiality of Student Records when hired at the College. Violations of this code will be cause for disciplinary action up to and including dismissal, and perhaps criminal and/or civil penalties.