SECTION THREE
STUDENT ISSUES

III.6 Family Educational Rights and Privacy Act of 1974 (FERPA)

Release of Student Information

Mohawk Valley Community College takes the release of information seriously. Only the Director of Records and Registration/ Registrar or designee makes determinations regarding release of information about past and current students. In order to protect the privacy of students while meeting our obligations, the College will only release limited information to the public or individuals unless law requires or the student approves it. The information that the College can release without student written consent is referred to as "directory information" (please see section H below regarding directory information). Unless a student signs a written request to withhold consent to release directory information, that information may be released, or published, at the College's discretion.

Below is a summary of the information contained in the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended. Each request is treated separately and according to the law. Any questions or requests for student information should be directed to the Office of Records and Registration. For additional information regarding FERPA, please visit the following link: http://www.mvcc.edu/registrar/ferpa

Family Educational Rights and Privacy Act of 1974

All requests for student information should be directed to the Office of Records and Registration. Annually the College publishes a statement of the rights specified under the FERPA law as amended. This policy statement constitutes official notice of the following information:

A. Official educational files containing materials directly related to students, to which the Act gives students the right of access are maintained in the following locations on campus:

Primary Student Files: These records are maintained for degree candidates; some of the records are maintained for other students as well:
1. The Office of Records and Registration files contain admission materials, correspondence, transfer recommendations, the official academic record, registration records, change of grades, change of majors, credit evaluations, transcripts, and copies of correspondence. These files are the responsibility of the Director of Records and Registration/Registrar.
Supplemental Student Files: Records may be maintained for some students as appropriate by the following:
1. Academic Centers – the appropriate Center Dean

2. Career, Job Placement, Transfer Office - Director
3. Office of the Vice President for Student Affairs
4. Library – Director of Libraries and the Learning Center
5. Student Financial Aid – Director

B. The Act stipulates that the following persons or agencies may have access to student educational files without their permission:

1. College officials, faculty, and staff who have a “legitimate educational interest” (advising, evaluating, preparing recommendations, auditing, etc.) Legitimate educational interest means that the person requesting the information must need it to perform their duties at the college.
2. Certain Federal and State agencies (U.S. Department of Education; Department of Health and Human Services; Department of Justice; etc.). The FBI, CIA, INS, IRS, etc. with appropriate documentation, subpoena, summons, or as specified in law.
3. Agencies involved with a student’s application for, or receipt of financial aid.
4. Organizations conducting studies for educational agencies for the purpose of validating predictive tests, etc.
5. Accrediting agencies carrying out their functions.
6. Parents of students who are dependents of their parents for income tax purposes. The College will accept as sufficient evidence, a written statement to this effect along with proof of dependency.
7. Pursuant to judicial orders.

A record of access to student records by persons or agencies in B.2 and B.7 above will be maintained by the Office of Records and Registration. Students have the right to see this record.

C. Persons other than those enumerated in B. above wishing access to student educational records must have the student’s written consent. The authorization must specify the records to be released, to whom they are to be released, and be signed by the student.

D. Official records are kept by the College, as there is a reasonable need for them. After that point, they are destroyed. The Registrar’s record of a student’s academic performance is retained permanently.

E. Each student has the right to inspect and review the information contained in his or her official educational records as listed in A. above subject to limitations as noted below. To do so, students must make a written request on a form available in the Office of Records and Registration. This request will be honored within 45 days after it is reviewed.

1. Inspection and review include:
    a. An explanation and interpretation of the record.

b. The right to a copy of the educational record. The charge for an official transcript of the academic record is $5.00; copies of the records are $.10 per page. A copy may be denied:

- When a “hold” has been placed on the record because of an unsatisfied obligation to the College.
- For a transcript from another institution. (The transcript is available from the originating institution.)

2. The following educational records are not available for the inspection and review by the student:

a. Financial information submitted by parents.

b. Confidential letters and recommendations received prior to January 1, 1975.

c. Confidential letters and recommendations to which students have voluntarily waived rights of inspection and review.

d. Education records containing information about more than one student. In such cases, however, students will be informed of that information which pertains to them.

F. If students wish, their right of access to confidential letters of recommendation solicited for transfer, employment, or honors, may be waived. This can be done by indicating a yes/no decision on the recommendation form. Since many writers of recommendation letters feel they cannot be as candid as they would like if the students see their letters, it may be in the students’ best interest to execute the waiver. They may not however, be denied a recommendation on the sole grounds that they have not waived their right of access.

G. Students have a right to challenge the contents of their record. In general, disputes regarding the contents of files will be handled by informal means. If these means should prove unsatisfactory to the student, the Vice President for Student Affairs may be requested in writing to convene a formal hearing. The Vice President for Student Affairs will appoint a member of the College faculty who has no direct interest in the outcome of the proceeding to hear the case. The hearing shall be held within a reasonable time following the request, and the student shall be afforded a full and fair opportunity to present evidence relevant to the issue raised. The decision shall be rendered in writing by the hearing official within a reasonable period of time after the conclusion of the hearing.

H. The following data relating to students are considered to be directory information, which may be disclosed by the Registrar’s Office following appropriate procedures.

1. Name
2. Address
3. Telephone number
4. Date and place of birth
5. Participation in officially recognized activities and sports
6. Weight and height of athletic team members
7. Dates of attendance

8. Degrees and awards received
9. Most recent previous educational institution attended
10. E-mail addresses
11. Program of study
12. Full-time, part-time status

I. Students may request that directory information not be disclosed (subject to same exceptions as in B.) This will prevent the Office of Records and Registration from publishing and/or verifying any information that is included in H. as directory information. This includes information published for commencement, honors and awards received. Confidential holds suppress any disclosure, including job references, degree verification and graduation publications. Forms to suppress Directory Information Release are available from the Office of Records and Registration. These forms are applicable as long as the person remains a student at the college. The hold will not be removed without the written permission of the student.

J. Students have 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.

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

Revised: December 19, 2011