

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

### **What is FERPA?**

The *Family Educational Rights and Privacy Act of 1974* helps protect the privacy of student education records. The *Act* provides for the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The *Act* applies to all institutions that are recipients of federal aid administered by the Secretary of Education.

### **What rights does FERPA afford students with respect to their education records?**

STUDENTS HAVE THE RIGHT TO INSPECT AND REVIEW THEIR EDUCATIONAL RECORDS.

A student seeking to review their records should contact the Records/Admissions Office at any campus and ask for a *Records Review Request* form. HACC must comply with the request to review the records within 45 days of receiving the request.

Students may request copies of their records which will be reproduced at a cost of \$.10 per page, the cost to be borne by the student. However, the college may refuse to duplicate records in situations where the student has outstanding financial or other obligations to the college.

STUDENTS HAVE THE RIGHT TO SEEK TO AMEND THEIR EDUCATIONAL RECORDS.

Students may ask HACC personnel to amend a record if they believe it is inaccurate or misleading. They should write to the Director of Records, clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading.

If the decision is not to amend the record as requested by the student, HACC staff will notify the student of the decision and advise the student of the right to a hearing regarding the request for amendment. If the student requests a hearing, the Director of Records or designee shall gather the records which are being challenged and appoint a committee of one faculty member, one administrator, and a member of the Student Services staff to hold a hearing with the student to review and discuss the information in question. The following conditions must be met:

1. The hearing must take place within 45 days of the written request of the student at a time which is convenient for both the student and the other parties involved.
2. Minutes shall be recorded from the hearing.
3. "Due process" shall be the guideline used for the conduct of the meeting.
4. If the records cannot be mutually agreed upon, the student has the right to submit information for the file to explain more adequately the information in question.

STUDENTS HAVE THE RIGHT TO LIMIT DISCLOSURE OF INFORMATION FROM THEIR EDUCATIONAL RECORDS.

With certain exceptions (described below), HACC may not release personally identifiable information unless the student has given prior consent in writing. A student may contact the Records/ Admissions Office at any campus for *Consent to Release Information* forms.

**The following are exceptions to non-disclosure. HACC personnel may release information without the student's written consent in the following situations.**

- **Although HACC does not promote the widespread release of “directory information,”** FERPA regulations permit the release of such information to anyone without the student's consent. Directory information is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed. Designated directory information at HACC includes the following:
  - Student name, address, telephone listing
  - E-mail address
  - Date of birth
  - Major field of study at HACC
  - Participation in officially recognized activities and sports
  - Dates of attendance at HACC
  - Degrees and awards received
  - Photograph
  - Educational institution most recently attended
  - Full or part-time enrollment status
  - Academic level (i.e. Freshman or Sophomore)

**Students have the right to refuse to permit the release of directory information, by making a request in writing.** Contact the Records/ Admissions Office at any campus for information.

Students should be aware that requesting non-disclosure may have negative consequences. (For instance HACC personnel will not be able to confirm the student's degree to a prospective employer; their names will not be listed in the graduation program.) A request for non-disclosure will remain in effect unless revoked with a written request from the student.

- HACC personnel may provide non-directory information to school officials with legitimate educational interest. A school official is defined as:
  - a person employed by HACC in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel);
  - a person or company with whom HACC has contacted as its agent to provide a service instead of using HACC employees or officials (such as attorney, National Student Clearinghouse, auditor, or collection agent);
  - a person serving on the Board of Trustees;
  - a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or 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 HACC.

- HACC personnel may disclose education records without consent to officials at another school in which a student seeks or intends to enroll.
- There are certain other situations where non-directory information may be released without consent. These situations include: to parents of dependent students, as defined by the Internal Revenue Code; to accrediting organizations; to federal, state, and local authorities involving an audit or evaluation of compliance with educational programs; to organizations conducting studies for or on behalf of educational institutions; to respond to a subpoena or court order; in connection with financial aid; in health or safety emergencies; to release the results of a disciplinary hearing to an alleged victim of a crime of violence.

STUDENTS HAVE THE RIGHT TO FILE A COMPLAINT CONCERNING ALLEGED FAILURES BY THE COLLEGE TO COMPLY WITH FERPA.

Complaints alleging FERPA violations may be made with the U.S. Department of Education. 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, D.C. 20202-5920