

RULES AND REGULATIONS FOR IMPLEMENTING THE
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

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.

The release and disclosure of student records maintained by the college are in large measure governed by state and federal laws. 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, then, have a two-fold purpose:

1. To protect a student's right to the privacy of information which the college has in its possession concerning the student, and
2. To provide a reasonable guideline for release or disclosure of such information as is required by federal and state law and as is necessary for the effective functioning of the college.

These guidelines became effective January 1, 1975, but are subject to changes as federal guidelines are subsequently developed.

According to the Family Educational Rights and Privacy Act passed November 19, 1974, all educational institutions receiving federal funds could lose these funds unless they give students 18 years of age or older or minors attending college the right to examine and challenge personal educational records, to have inaccurate or misleading records changed, and to give their consent before any records can be shown to outside parties.

In addition, all affected school agencies and institutions must notify students 18 years of age or older of their new rights, and a hearing procedure must be established in the event that there is a disagreement regarding materials that have been placed in the student's record. A file of all students requesting to review their record folders must be maintained by the institution.

According to the law, students age 18 or over can "inspect and review" at will the "official records, files and data, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside of school..."

These records include "identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence tests, aptitude and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious behavior problems."

According to the Family Educational Rights and Privacy Act of 1974, no student records related specifically to the individual can be distributed without his/her consent. Even subpoenaed records cannot be released without notification of this release to the student. The only exceptions would be information classified as "directory information." This is defined as the student's name, address, e-mail address, dates of attendance, degrees and awards received, most recent previous educational agency or institution attended, and student enrollment status.

Although the protection of the Family Educational Rights and Privacy Act does provide for the review of information already noted, there are certain exceptions to the Act. The following information is not subject to review by the student: confidential recommendations placed in the file prior to January 1, 1975; psychiatric and medical records used for treatment purposes will remain confidential, but a student can appoint a counselor or doctor to have access to such records; parents' confidential financial records will remain confidential; employment records are not considered part of the educational record.

It should also be noted that the Act provides that financial aid, testing and accrediting agencies are authorized to have access to confidential student data. Such agencies would include the Educational Testing Service.

In order to comply with the provisions of the Family Educational Rights and Privacy Act of 1974, a form is available in the Registrar's Office. After the student has completed the Records Request Form and presented it to the Registrar or his/her designee, proper identification including enrollment receipts, driver's license, or student identification card must be presented. The student will then be permitted to review information contained in his/her folder.

If a student, upon review of his/her file, indicates that he/she is requesting a deletion or modification of the materials contained therein, an appointment will be made with the Registrar to discuss and act on the request. If a satisfactory arrangement cannot be worked out with the Registrar, a written appeal may be made to the Vice President of Student and Information Services.

If such an appeal is made to the Vice President of Student and Information Services challenging the information that is contained within the student's folder, a hearing shall be held by the Vice President of Student and Information Services or his/her designee. At the hearing the student shall have the opportunity to present arguments and evidence supporting the request for correction or deletion. The decision of the Vice President of Student and Information Services shall be rendered within 10 days after the appeal has been presented by the student or the parent of the student.