



Frederick Community College Procedure

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Student Records – The Family Educational Rights and Privacy Act	Policy Number	4.13
	Approved	11/12/08

A. Elements of a Student’s Records

The following are considered the essential elements of a student record and shall be required of all students applying to the College:

1. Legal name
2. Permanent address
3. Phone number
4. County and state of legal residence
5. Date of birth

B. Definition of a Student

A student means an individual who is or has been enrolled at the College. An individual who applied but did not enroll is not a student.

Eligible student means a student who has reached 18 years of age or is attending an institution of postsecondary education.

C. At the time of application, a system assigned student ID number will be generated. A letter is sent to new students with their ID number enclosed and this number is to be used by the student to register for classes.

D. The social security number (SSN) is not required at the time of application, but is requested for validation purposes. Students not presenting an SSN are required to appear in person with a photo ID in order to request a web account.

E. Students must present a College photo ID or drivers license to conduct in-person record transactions.

F. Education Records

Education records are specifically defined as records, files, documents, and other materials (including but not limited to handwriting, print, tapes, film, computer or other media) that contain information directly related to a student and maintained by the College or an agent of the College. The following information is considered part of the student’s education record:

1. Academic standing/probation/dismissal
2. Advising notes

3. Assessment scores
4. Courses registered/completed
5. Credits or grades earned
6. Grade point average (GPA)
7. Financial aid records
8. Student disciplinary records

G. Exceptions to Education Record

Education records do not include records on an eligible student that are:

1. Sole Possession Records

A sole possession personal record kept by a faculty or staff member, if it is kept in the sole possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute.

2. Employment Records

An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.

3. Law Enforcement Records

Records maintained by the College's security office, if the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction and the security office does not have access to education records maintained by the College.

4. Alumni Records

Alumni records which contain information about a student after he or she is no longer an attendant of the community college and the records do not relate to the person as a student.

5. Treatment Records

a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her capacity or assisting in a professional capacity.

b. Made, maintained, or used only in connection with the treatment of the student.

- c. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.

6. Health Insurance Portability and Accountability Act (HIPPA) Privacy Rule

HIPPA establishes standards and imposes requirements to protect the privacy of individually identifiable health information. HIPPA Privacy Rule excludes from its definition of “protected health information” individually identifiable health information contained in an “education record” covered by FERPA, as well as “treatment” records excluded from the definition of “education records.”

H. Family Educational Rights and Privacy Act (FERPA)

Frederick Community College complies with the provisions of the Family Educational Rights and Privacy Act (FERPA) of 1974, 20 U.S.C. 1232g; 34 CFR § 99 and any regulation promulgated there under.

I. Annual Notification

Students will be informed of their rights under FERPA annually by publication in the student handbook, catalogue, schedule of classes, and www.frederick.edu.

J. Student Rights and Access to Education Records

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their educational records.

1. A student has the right to inspect and review his/her education records within 45 days of the day the College receives a written request for access. The student should submit a written request to the Associate Vice President of Operations/Registrar and identify the record(s) he/she wishes to inspect. Upon receipt of the written request, an appointment will be scheduled with the Associate Vice President of Operations/Registrar to review the student's records and receive an explanation and interpretation of the records requested. If the records are not maintained by the Associate Vice President of Operations/Registrar, the student will be advised of the correct official to whom the request should be addressed.

The student has the right to review his/her records except for: 1) financial information submitted by the student's parents; 2) those records which are excluded from the FERPA definition of education records; and 3) education records containing information about more than one student, in which case the College will permit access only to that part of the record that pertains to the inquiring student.

2. A student has the right to request the amendment of his/her education records if he/she believes the records are inaccurate or misleading. A student may ask the College to amend a record that he/she believes is inaccurate or misleading.

The student should clearly identify the part of the record that he/she believes is inaccurate or misleading. A student who requests to amend directory or personally identifiable information shall submit the appropriate request form to the Welcome and Registration Center. If the College decides not to amend the record as requested by the student, the student will be referred to the Vice President for Learning Support who will advise the student of his/her rights under the College's grievance policy and procedures. (See sections K and L of this procedure.)

3. A student has the right to consent to disclosures of personally identifiable information contained in his/her education records, except to the extent that FERPA authorizes disclosure without consent. (See section L of this procedure.)
4. A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by Frederick Community College to comply with the requirements of FERPA. Anyone who believes his or her rights have been abridged may file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue, S.W., Washington, DC 20202-4605.
5. Disclosure without Prior Consent of the Student

The College may disclose personally identifiable information from a student's education records without prior written consent of the student if the disclosure meets one or more of the following conditions:

- a. The disclosure is to other 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 or her tasks. Upon request, the College may disclose educational records without consent to other colleges in the University System of Maryland for purposes of recruitment and research. School officials, including those designated contractors, however, may not re-disclose the information to any other party by any means. 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.
- b. The disclosure, subject to requirements of 34 CFR § 99.34, is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.
- c. The disclosure, subject to the requirements of 34 CFR § 99.35, is to authorized representatives of the Comptroller General of the United States, the Secretary, or State and local educational authorities.

- d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to: determine eligibility for the aid; determine the amount of the aid; determine the conditions for the aid; enforce the terms and conditions of the aid.
- e. The disclosure is to State and local officials or authorities to whom this information is specifically allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the systems' ability to effectively serve the student whose records are released; allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of 34 CFR § 99.38.
- f. The disclosure is to organizations conducting studies for, on behalf of, educational agencies or institutions to: develop, validate or administer predictive tests; administer student aid programs; improve instruction. The College does not have to initiate the research request or agree with or endorse the conclusions or results of the study. The College must agree with the purposes of the study and retain control over the information from the education records it discloses.
- g. The disclosure is to accrediting organizations to carry out their accrediting functions.
- h. The disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.
- i. The disclosure is to comply with a judicial order or lawfully issued subpoena.
- j. The disclosure is in connection with a health or safety emergency, under the conditions described in 34 CFR § 99.36. (See section Q of this procedure.)
- k. The disclosure is information the educational agency or institution has designated as "directory information", under the conditions described in 34 CFR § 99.37. (See section K of this procedure.)
- l. The disclosure is to parents of students under 21 who have violated the College's alcohol and drug policy. (See section V of this procedure.)
- m. The disclosure is to an alleged victim of any crime of violence, as that term is defined in section 16 of title 18, United States Code, or to an alleged victim of a non-forcible sex offense (as defined in 34 CFR § 99.39) of the results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of the crime with respect to the crime.

K. Directory Information

Some information about students is considered Directory Information and the College may release directory information without the student's consent. A student who wishes to have Directory Information withheld must contact the Welcome and Registration Center and complete a request for non-disclosure of directory information form. The College will assume a student's failure to request withholding of Directory Information as his/her consent to the release of the information.

Frederick Community College has defined Directory Information as the information listed below:

Directory Information

1. Student's name
2. Date of birth
3. Email address
4. Major
5. Dates of attendance
6. Enrollment Status (Full-/Part-time status)
7. Degrees/awards/honors earned or anticipated
8. Graduation Date
9. Participation in recognized activities/sports
10. Photographs
11. Weight/height of members of athletic teams
12. Most recent educational institution attended by the student

L. Personally Identifiable Information

Personally identifiable information is defined as the following:

1. Student ID number
2. Social security number
3. Address
4. Phone number
5. Place of birth
6. Name/address of student's parents or family members

7. Student account information
8. Gender
9. Religious preference
10. Ethnic background

M. Parental Inquiry

Parental requests regarding access to a student's education records are referred to the Welcome and Registration Center. The parent(s) must contact the Associate Vice President Operations/Registrar or Associate Registrar to clarify his/her concerns and discuss FERPA requirements.

It is the practice of the College to notify the student of a parental inquiry regarding their education record and to encourage the student to discuss their academic status with the parent(s). If the student agrees to release the information to the parent(s), he/she will sign a Release Form to do so. If the student is a dependent, however, and it becomes necessary to release the requested information without the written consent of the student, the parent(s) is/are required to provide a copy of the most recent federal income tax form showing that the student was claimed as a dependent. Once the information is provided, the College may disclose the requested information.

N. Parental Notification

Frederick Community College complies with the provisions of the Family Educational Rights and Privacy Act of 1974, (FERPA) as amended and any regulation promulgated thereafter. FERPA permits, but does not require, institutions of higher education to notify parents or guardians when a student under the age of 21 is involved in a drug or alcohol violation, or when a student is experiencing a health or safety emergency.

Whenever possible, students will be informed that parental notification is planned so that they have the opportunity to discuss the planned notification with the Vice President. In such cases, the student will first be given the opportunity to notify the parent him/herself. However, the college may provide parental notification without prior notice to the student in cases where action has been or will be taken to protect the safety of the student or other individuals.

- O. The College reserves the right to deny copies of records, including transcripts, not required to be made available by FERPA if: 1) the student has an unpaid financial obligation to the College; 2) there is an unresolved disciplinary action against the student.

P. Health or Safety Emergencies

The College reserves the right to release information on any student regardless of age or status to a parent or other appropriate individual such as a spouse or guardian, in health or safety emergencies, hospitalizations, or when in our judgment, the health or well being of the student or others may be at risk. Examples of health or safety emergencies may include, but not be limited to:

1. A student's Involvement in a disturbance of others on campus.
2. Disruption of the educational process by a student.
3. Demonstration of disregard for a student's personal safety or the safety of others.
4. A student who was harmed or injured, or harmed or injured others.
5. A violation which resulted in an arrest in which the student was taken into custody.
6. An incident which involves a serious violation of College policy which could result in interim suspension from the classroom or suspension or expulsion from the College.
7. An incident in which the student became physically ill and/or required medical intervention as a result of alcohol or drugs.

Q. Alcohol or Drug Policy Violation

The Vice President for Learning Support or his/her designee may notify parent(s) or legal guardian(s) of any student under the age of 21 who has committed a violation of any Federal, State, and/or local law, or College policy governing the use or possession of alcohol or a controlled substance. Notification will be made in writing and mailed to the parents or guardian at the address shown on College records.

R. Confidentiality of Student Records

Frederick Community College accords all rights under the Family Educational Rights and Privacy Act (FERPA).

S. Legal Subpoenas/Court Orders

Information concerning a student shall be released in response to a judicial order or lawfully issued subpoena. In these cases, the Associate Vice President/Registrar will make a reasonable attempt to contact the student at the last known address. A copy of the subpoena, as well as the college's procedures, will be sent by registered mail to the student. The student will be given a specific date (10 working days) to file a motion to stop the subpoena. A copy of this letter will also be sent by registered mail to the person issuing the subpoena. If the Associate Vice President does not receive a lawfully issued order to stop the subpoena by the date stated in student letter, the Associate Vice President must comply with the subpoena and information requested will be mailed one day after the deadline date provided to the student. A copy of all records sent will be maintained in the student's file. Education records may be disclosed to the U.S. Attorney General or his or her designee in response to an *ex parte* order concerning an authorized investigation or prosecution of domestic or international terrorism, without prior consent to the student.

T. Disciplinary Hearing Results

1. Disclosure to Victims

The College may disclose to an alleged victim of any crime of violence, or a non-forcible sex offense (as defined in 34 CFR § 99.39), the final results of any disciplinary proceeding conducted by the College against the alleged perpetrator of such crime or offense with respect to such crime or offense, regardless of whether the alleged perpetrator was found responsible for violating the College's Code of Student Conduct with respect to such crime or offense.

The disclosure of final results is limited to the name of the student, the violation committed, and any sanction imposed by the institution against the student.

2. Disclosure to Third Parties

The College may disclose the final results of any disciplinary proceeding against a student who is an alleged perpetrator of any crime of violence or non-forcible sex offense (as defined in 34 CFR § 99.39), if the student is found responsible on or after October 7, 1998, for violating the College's Code of Student Conduct with respect to such crime or offense. Such disclosure shall include only the name of the student, the violation committed, and any sanction imposed by the College on that student. Such disclosure may include the name of any other student, such as a victim or witness, only with the written consent of that other student.

U. Alcohol and Drug Violations

The College may disclose to a parent or legal guardian of a student, information regarding any violation of any federal, State, or local law, or any policy or rule of the College, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, if the student is under the age of 21 at the time of disclosure to the parent, and the College determines that the student is responsible for a disciplinary violation with respect to such use or possession.

V. Solomon Amendment

The Solomon Amendment is a federal law that mandates that institutions receiving federal funding must give military recruiters access to campus and to lists of students, including personally identifiable student information. The Solomon Amendment supersedes FERPA.