

MAINE COMMUNITY COLLEGE SYSTEM

**STUDENT AFFAIRS
Section 502**

SUBJECT: UNIFORM FERPA NOTICE AND POLICY

PURPOSE: To provide a uniform guidance under the Family Education Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. This policy provides a uniform notice and policy summarizing certain portions of those rights.

A. Records Inspection

A student has the right to inspect and review the student's education records within 45 days of the day a college receives such request. A student should submit to the Registrar, Dean, head of the academic department or other appropriate official a written request that identifies the record(s) the student wishes to inspect. The appropriate official will arrange for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the college official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

B. Amendment of Records

A student has the right to request the amendment of the student's education records that the student believes are inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask a college to amend a record should write the college official responsible for the record, identify the specific part of the record that the student wants changed, and specify the reason why it should be so changed. If the college decides not to amend the record as requested, the college will notify the student in writing of the decision and the student's right to a meeting regarding that decision.

C. Student's Right to Prevent Disclosure

A student has the right to provide written consent before a college discloses personally identifiable information from the student's education records, except to the extent that FERPA or other laws authorize disclosure without such consent.

D. College's Rights to Disclose

A college may disclose education records without a student's prior written consent under a number of circumstances including, but not limited to, the following circumstances:

1. Health or Safety Emergency

A college may disclose education records without a student's prior written consent under the FERPA exception for an emergency that poses an imminent threat to health or safety.

2. Directory Information

Unless a student withholds consent by use of an opt-out form that the colleges shall provide to each student, a college may disclose certain education records without a student's prior written consent under the FERPA exception for directory information. FERPA permits MCCS to determine whether to recognize the concept of directory information and, if so, how to define such information and the circumstances of its disclosure. MCCS recognizes directory information only for use in its own purposes, publications, recognition of students, and efforts to help students access specific academic and employment opportunities. In those instances, directory information includes a student's full name; hometown; permanent address; assigned college email address; date of birth; the fact that a student is or was enrolled; enrollment status (e.g., full-time, half-time or less than half-time); class level and majors/minors; dates of attendance; degrees, honors or awards received; cumulative credit hours; participation in officially recognized activities and sports; certain biographical information of athletes; and photograph. For clarity, directory information does not include a student's identification number; telephone number(s); parents' names and addresses; GPA or grades; current schedule; information on academic standing (probation, disqualification, etc.) or whether a student is eligible to return to school; accounts receivable balance; disciplinary records; financial records of parents; student employment records; psychiatric or psychological records; and copies of transcripts from other schools or colleges. In all other instances, MCCS regards such information to be part of a student's education record protected from other disclosure under both FERPA and pertinent state law exceptions to the Freedom of Access Act.

3. School Officials with Legitimate Educational Interests

A college may disclose education records without a student's prior written consent to school officials under the FERPA exception for legitimate educational interests. For purposes of this provision, a "school official" is a person employed by a college and/or the MCCS in an administrative, supervisory, academic or research, or support staff position (including security and health personnel); a person or company with whom a 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); 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. 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 a college.

4. Officials of Other Schools

Upon request, a college may disclose education records without consent under the FERPA exception for disclosures to officials of another school in which a student seeks or intends to enroll.

5. Lawfully Issued Orders and Subpoenas

A college may disclose education records without a student's prior written consent under the FERPA exception for complying with a judicial order or lawfully issued subpoena.

6. Financial Aid for which a Student has Applied

A college may disclose education records without a student's prior written consent under the FERPA exception for financial aid for which the student has applied.

7. Organizations Whose Work Will Improve MCCS Instruction

A college may make certain disclosures under FERPA without individual consent under the FERPA exception for disclosure to organizations conducting studies for, or on behalf of, the MCCS for the purpose of improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purpose for which it is conducted.

8. Disclosure to Military Recruiters

A college must, as required by law, disclose education records without a student's prior written consent to requesting military recruiters.

E. Complaints

A student with questions or concerns about the student's rights and a college's responsibilities should promptly inform the appropriate college student services official. A student also has 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 by contacting the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W. Washington, DC 20202-5901.

REFERENCES: 20 U.S.C. §1232g; 20-A M.R.S.A. §6001

DATE ADOPTED: June 24, 2009

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