

FAMILY AND EDUCATIONAL RIGHTS AND PRIVACY ACT- NOTIFICATION OF FERPA

I. WHAT IS FERPA?

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' educational records. Colleges that receive funds under a program administered by the U.S. Department of Education (ED) must comply with FERPA.

FERPA affords eligible students the right to:

- **Inspect and review** the student's education records maintained by the College
- **Request an amendment** of any education records that the student believes to be inaccurate or misleading; and
- **Consent to the disclosure of personally identifiable information (PII)** from the student's education record to third parties, subject to certain exceptions identified below.

An eligible student is defined in FERPA as a student who has reached 18 years of age or is attending a postsecondary institution at any age.

A college or university does not have to permit a student to inspect and review education records that are —

- Financial records of the student's parents; or
- Confidential letters and statements of recommendations relating to admission to an educational institution, application of employment, or receipt of an honor or honorary recognition, if the student has waived his or her right to inspect and review those letters and statements.

An education record refers to any record maintained by the College, or by a party acting for the College, that is directly related to a student such as transcripts, grades, class schedules, disciplinary records, financial account/financial aid, emails and photographs.

These records include: files, documents, and materials in whatever medium (handwritten, print, tapes, electronic), which contain information directly related to the student.

An education record does not include the following:

Records that are kept in sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person;

Records related to an individual who is employed by the College, made and maintained in the normal course of business, related exclusively to the individual in the capacity as an employee, and are not available for use for any other purpose;

Records made or maintained by a physician, psychiatrist, psychologist, or other medical provider; made, maintained, or used only in connection with the treatment of the student; and disclosed only to individuals providing the treatment.

II. DISCLOSURE PROVISIONS

FERPA allows disclosure of educational records without consent:

- To college/school officials¹ with a legitimate educational interest²
- To schools in which a student seeks or intends to enroll;
- To authorized representatives of Federal, State and local educational authorities conducting an audit, evaluation or enforcement of Federally or State-supported education programs;
- In connection with financial aid for which the student has applied or which the student has received
- To a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense;
- To anyone if the disclosure is in connection with a disciplinary proceeding in which the institution discloses the final results of the proceeding in which the student was found to be an alleged perpetrator of a crime of violence or non-forcible sex offense;
- To organizations conducting studies to improve instruction, administer student aid programs, or develop, validate or administer predictive tests on behalf of schools;
- To accrediting organizations;
- To parents of a student who claim the student as a dependent based on the IRS Code of 1986/Section 152.

¹ Person employed by the College, serving on governing boards/committees, volunteers or persons under contract to perform a specific task on behalf of the College

² Refers to the act of needing information for purposes of performing required tasks to meet one's responsibilities

- To comply with a judicial order or subpoena, after a reasonable effort to notify the student, unless the subpoena is a Federal grand jury subpoena or any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence of the contents of the subpoena or the information furnished not be disclosed;
- In a health or safety emergency; and
- If it is deemed directory information which the College defines as including the following:

Name

College issued e-mail address

Enrollment status to include continuing education or credit (part-time/full-time)

Dates of enrollment

Major field of study

Weight and height of athletes

Photographs and videos for use in college press releases, publications, and websites

Participation in officially recognized activities and sports

Honors Awards Degrees

Date of graduation

Date of birth but *only* to be released to official agencies as required for matching student records or as validation or positive identification of a student when furnished as part of an inquiry.

III. STUDENT'S RIGHT TO LIMIT/RELEASE INFORMATION

Students may request that HCC not disclose directory information by contacting the Registrar directly via e-mail: records@hagerstowncc.edu or by visiting the Records Office, ASA-403.

Students may also complete an Authorization to Release Information form from the Records Office to request their educational records be shared with individuals/entities outside of the college.

Student may access additional information about their rights under FERPA through the Department of Education website linked [HERE](#).

Student Recruitment Information – Military Recruiters Access

The **Solomon Amendment**³ is a federal law that allows military recruiters to access certain information about students who are age 17 and older and enrolled for at least one credit hour. The Department of Education has determined the Solomon Amendment supersedes most elements of FERPA. In compliance with this federal law, HCC has a legal obligation to release **student recruiting information** to military recruiters based on a submitted written request.

However, if the student has submitted a request through the HCC's Record's Office to restrict the release of Directory Information, then no information from the student's education record will be released under the Solomon Amendment.

Definition - "Student Recruitment Information" or "Solomon Information"

Name

Address

Telephone

Age and date of birth

Place of birth

Level of education

Academic major

Degrees awarded

Educational institution in which the student was most recently enrolled

College email address

³ 10 U.S.C §983

Procedure for releasing information to military recruiter:

Under the Solomon amendment, information will be released for military recruitment purposes only and is treated as confidential information and must not be shared with third parties or other organizations. The military recruiters may request student recruitment information once each term or semester for each of the 12 eligible units within the five branches of the service:

- **Army:** Army, Army Reserve, Army National Guard
- **Navy:** Navy, Navy Reserve
- **Marine Corps:** Marine Corps, Marine Corps Reserve
- **Air Force:** Air Force, Air Force Reserve, Air Force National Guard
- **Coast Guard:** Coast Guard, Coast Guard Reserve

The request should specify whether the information needed is for the current or previous semester and sent to the following email address:

records@hagerstowncc.edu