

HAGERSTOWN COMMUNITY COLLEGE

FAMILY AND EDUCATIONAL RIGHTS & PRIVACY ACT



WHAT IS FERPA?

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

WHAT RIGHTS ARE AFFORDED TO STUDENTS UNDER FERPA?



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



Consent to the disclosure of personally identifiable information (PII) from the student's education record to third parties, subject to certain exceptions.

WHO IS AN ELIGIBLE STUDENT AS DEFINED BY FERPA?

- A student who has reached 18 years of age or is attending a post-secondary institution at any age.

WHAT IS AN EDUCATIONAL RECORD?

Any record maintained by the College, or by a party acting for the College, that is directly related to a student such as a 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.

WHAT EDUCATIONAL RECORDS CAN A COLLEGE PREVENT A STUDENT FROM REVIEWING:

- Financial records of the student's parents.
- Confidential letters and statements of recommendations relating to admission to an educational institute, 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.

DEFINITION OF A DEPENDENT STUDENT

FERPA provides ways in which a school may share education records on an eligible student with their parents. Schools may, but are not required to, disclose any and all education records to parents, without the consent of the eligible student, if the student is a "dependent student", as the term is defined in Section 152 of the Internal Revenue Code.

Generally, if either parent has claimed the student as a dependent on the parent's most recent income tax return, a school may disclose the student's education records to either a parent, without the student's consent.

This exception to FERPA's general consent rule also permits institutions of postsecondary education to share information with parents of students who are enrolled in both high school and a college or university (dually enrolled). In this situation, the parents retain the rights over the student's education records maintained by the high school, if the student is under the age of 18 years, and the student retains the rights over education records maintained by the college or university.

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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. For this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the College.

DISCLOSURE PROVISIONS

FERPA allows disclosure of educational records without consent:

- To college/school officials with legitimate educational interest.
- 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 predictive tests on behalf of schools.
- To parents of a student who claim the student as a dependent based on the IRS Code of 1986/Section 152.
- In a health or safety emergency.
- If it is deemed directory information by the College.

What does HCC deem as directory information?

- College issued e mail address
- Date of birth but ONLY to be released to official agencies as required for matching student records or validation or positive identification of a student when furnished as part of an inquiry
- Dates of enrollment
- Dates of graduation
- Enrollment status to include continuing education or credit (part-time/full time)
- Honors , Awards, Degrees
- Major field of study
- Name
- Participation in officially recognized activities and sports
- Photographs and videos for use in college press releases, publications, and websites
- Weight and height of athletes

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