FAMILY EDUCATION RIGHTS AND PRIVACY ACT
This is a summary of the Policy on Access to Educational Records – Compliance with the Family Educational Rights and Privacy Act. The College’s full statement is available from the Registrar’s Office. Fulton-Montgomery Community College complies with the requirements of the Capital Federal Family Educational Rights and Privacy Act (FERPA) of 1974 concerning access to and confidentiality of students’ educational and related records.

The College affords all the rights under this law to all students regardless of age. Exceptions to this application in specific cases are those students who it can be documented are considered dependents according to Federal Internal Revenue Service regulations. In general, no one shall have access to nor will the institution disclose any information from current or past students’ educational records without written consent of the students except to personnel within the College, to persons or organizations providing students financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency when a College official determines it is necessary to do so to protect the health or safety of students or other persons.

Disclosure to personnel within the College is limited to 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 alumni department staff and law enforcement unit personnel); a person or company with whom the College has contracted (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. A school official has a legitimate interest if the official needs to review an educational record in order to fulfill his or her professional responsibility to the College.

The College, at its discretion, may provide Directory Information in accordance with provisions of the Act, to include: name, local and permanent address, electronic mail address, telephone numbers, dates of attendance, enrollment status (full-time/part-time), previous institutions attended, major field of study, academic level (year in school), participation in officially recognized activities/sports, physical factors of student athletes (height and weight), date and place of birth. Students currently enrolled can object to release of certain categories of information by notifying in writing the Registrar’s Office at the College within fourteen (14) days following the first day of classes. The failure of any student to specifically object to the release of certain information or categories of information within the time indicated will be interpreted as approval. The College will honor requests for non-disclosure for only one academic year. Authorization to withhold Directory Information must be filed annually with the Registrar’s Office.

The College is permitted under FERPA to disclose to a parent of a student the student’s violation of any Federal, State, or local law, or of any rule or policy of the institution, governing use of or possession of alcohol or a controlled substance, if the institution determines that the student has committed a disciplinary violation with respect to that use or possession AND the student is under 21 at the time of the disclosure to the parent.

The Act provides students with the right to inspect and review information contained in their educational records, to challenge the contents of their educational records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decision of the hearing is unacceptable. The initial request to review records should be directed to the office or department where the record is housed. Official records are considered those held in the Registrar’s Office. Records are maintained and kept in accordance with the provisions of New York State’s document “Records Retention and Disposition – Schedule MI-1, Section 185.14, 8NYCRR (Appendix K)”.

The College may require written requests at its discretion to review certain records, in which case the college will respond in writing to such requests within thirty (30) days. Students may have copies
made of their records with the exception of official academic records for which there has been placed a “hold” for financial or disciplinary reasons. These copies will be made at the student’s expense at the prevailing rate listed in the annual fee schedule.

Students may NOT inspect and review financial information supplied by their parents/legal guardian, confidential letters of recommendation associated with admission to a program, transfer or employment and when they have waived their right of inspection and review; records containing information about more than one student. In the last situation the College will provide only that information pertinent to the inquiring student with the following exception: The disclosure of the final results of a student disciplinary proceeding against the alleged perpetrator of a crime of violence or a nonforcible sex offense may be disclosed to the victim.

Students who believe their educational records contain information that is recorded inaccurately or in a way that misleads or is otherwise in violation of their privacy or other rights may discuss their problems informally with the Registrar, in the case of official academic records, or the appropriate Dean in the case of other offices’ files. If the decision is in agreement with the student request, the appropriate records will be amended. If not, the student will be notified within thirty (30) days that the records will not be amended. The student will also be informed of his/her right to a formal hearing.

A full description of procedures on hearings is available from the Registrar.