

### **Access to Records**

Rights of Access to Pertinent College Records and Restrictions on Release: General Education Provisions Act - Family Educational Rights and Privacy Act (FERPA)

### **Purposes**

The purposes of the Act, so far as it relates to The College of New Rochelle, are to:

1. guarantee access to official educational records, originated at The College of New Rochelle, directly related to students and maintained by the college. Access to these records is available to the students of the College and parents of students who are 'dependents' as that term is defined in Internal Revenue Code § 152.
2. guarantee that records containing personally identifiable data about students shall not be released to other than a specified list of exceptions without written consent of the student.

### **Access Rights**

Students of the College and the parents of students who are 'dependents' as that term is defined in Internal Revenue Code § 152 have the following rights:

1. The right to be provided a list of the types of educational records which are maintained by the institution and are directly related to students, and to be advised who in the College would have access to such records and for what purposes. (This information is available in the offices of the academic deans and the Vice President for Student Services.)
2. The right to inspect and review the contents of those records.
3. The right to obtain copies of those records, at the expense of the parent or the eligible student, at the rate of 10¢ per page or part thereof.
4. The right to a response from the institution to reasonable requests for explanations and interpretations of those records.
5. The right to a hearing to challenge the content of those records requested. The content may be challenged to the extent it is alleged to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student.
6. 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. The name and address of the Office that administers FERPA are:  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

If any material or document in the educational record of a student includes information on more than one student, then the right to inspect and review any copy relates only to such parts of the material pertaining to the student requesting the information.

### **Waive Right to Access**

The College may not require a waiver of access. However, a student may waive right of access to confidential statements involving:

1. admission
2. employment application, so long as such statements are used only for the purposes for which they were originally intended.
3. receipt of an honor

Procedure for waiver of right to access is listed with each office that maintains educational records of students. The waiver will apply to recommendations only if:

1. The student is advised of the persons making the recommendations;
2. Recommendations are used solely for the purpose specifically intended.

The College is not required to and will not make available:

1. Financial records of parents and students;
2. Confidential letters and statements of recommendation filed prior to January 1, 1975.

### **Procedure for Release of Records to Others**

The College shall not release to anyone, or give anyone access to, records of personally identifiable information except directory information (name, address, telephone listing, date and place of birth, major field of study, dates of attendance, degrees and awards received) without written consent, except to:

1. other officials of this college (including teachers) determined by the College to have legitimate educational interest.
2. officials of other schools in which the student seeks to enroll:
  - a. parents or eligible students will be notified of the record sent and will be given a copy if requested, and,
  - b. then will have an opportunity for a hearing to challenge record in accordance with the procedures below.
3. certain government officials provided for in the Regulations issued under this Act, and other statutes such as Student and Exchange Visitor Information Program (SEVIS).
4. proper parties concerning an application for, or receipt of, financial aid.
5. organizations doing legitimate studies if the College has assurance that the students will not be identified and the information will be destroyed when no longer needed.
6. accrediting organizations.
7. comply with a court order or subpoena.
8. disclose information provided to the College under federal, state, or local law concerning registered sex offenders who are required to register under such laws.
9. disclose to an alleged victim the final results of any disciplinary proceeding conducted by the College where the student was found to have committed a crime of violence (as that term is defined in federal law) or a non-forcible sex offence. Such disclosure is limited to the name of the student, the violation committed and sanction imposed.
10. disclose to the parent or guardian of a student under the age of 21 a determination by the College that the student has committed a violation of any federal, state or local law or any rule or policy of the College governing the use or possession of alcohol or a controlled substance.
11. disclosure to the court where a parent or student or educational agency or College institutes a legal action and the educational records of the student are relevant for the educational agency or institution to proceed with the legal action as plaintiff or defend itself as defendant.
12. Appropriate parties seeking information in connection with, or in the event of, a health or safety emergency.

The College maintains with each student's records, the names of all parties except those excepted, who have requested or obtained access to those records. Record of access itself is available only to the student, the student's parents and designated College officials. If the student should have any objection to the release of any of the information listed above as directory information, the student should so

advise the College in writing with particulars and the College shall make every effort to prevent the release of such information.

### **Procedure for Review of Records and Opportunity to Challenge Contents**

In order for students or parents of students who are 'dependents,' as that term is defined in Internal Revenue Code § 152, to review the student's educational records, the following must occur:

1. a written request must be sent to the College official in charge of the office where records are maintained, advising as specifically as possible what records the party would like to review.
2. the College official will set up an appointment to review the folder and give any explanation and interpretation needed. (This must take place within 45 days of the request.) If circumstances effectively prevent the parent or student from exercising his/her right to inspect and review the student's education records, the College will provide copies of the records requested (at the rate of \$.10 per page or part thereof) or make other arrangements.
3. at, or subsequent to, this review, the student may challenge the contents of such records, and may insert a written explanation in the record. Such challenges and explanations are limited to whether the records are accurate, misleading or violate the privacy or other rights of the student and are intended to provide an opportunity for the correction or deletion of any inaccurate, misleading or otherwise inappropriate data contained therein and to insert into such records a written explanation of the content of such records.
4. if the matter is not resolved satisfactorily, the parent or student, or the College, may request an informal hearing with the superior of the College official previously involved.
5. if such an informal hearing is not mutually agreeable or, if held, does not resolve the problem, a formal hearing on written request of either party shall be held.
6. the procedures for such formal hearing shall be as follows:
  - a. It shall be conducted and decided within a reasonable period of time following the request for the hearing. The College shall endeavor to hold the hearing within 30 days of the request thereafter and to see that a decision is rendered in writing within 15 days thereafter.
  - b. The hearing shall be conducted, and the decision rendered, by an institutional official or other party who does not have a direct interest in the outcome of the hearing, appointed by the President to serve in that capacity.
  - c. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised.
  - d. Minutes will be kept of such hearings. On the request of either party, and at the expense of the party requesting, a verbatim transcript will be made. In such case, the College will deem the time to render a decision as set out in (a) above, extended to 15 days after receipt by the hearing officer of the transcript. The opportunity for a hearing is provided so that the student may challenge a record which she or he believes to be inaccurate, misleading or violative of her/his privacy or other rights. For example, the student may seek to correct an improperly recorded grade, but may not, through the procedure provided above, contest the grade received in a course.