

# FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act of 1974 establishes the rights of students to inspect and review their education record; provides that personally identifiable information will not, with certain exceptions, be disclosed without the student's permission; provides for guidelines for the correction of inaccurate or misleading data through informal or formal hearings; grants the right to file complaints with the Family Educational Rights and Privacy Act (FERPA) office concerning alleged failures by the institution to comply with the Act; and makes provision for notice to the students concerning their rights.

No one shall have access to, nor will the institution disclose, any information from students' education records – other than Directory Information – without the written consent of student, except to officials of other institutions in which student seeks to enroll; to persons or organizations providing the student financial aid; or providing enrollment and/or degree verification to accrediting agencies carrying out the accreditation function; in compliance with a judicial order; in emergency situations when necessary to protect the health or safety of students or other persons; or to those members of the College community with a legitimate educational interest.

“Legitimate educational interest” means and includes a demonstrable need to know by any college employee in terms of his or her assigned duties. Parents of a dependent child (as defined by IRS code) are also eligible to inspect that dependent student's record.

Educational records that are not governed by the Act and are not accessible to students include:

1. Records kept by Harper employees, which are used only by the maker or his or her substitute and are not available to any other person.
2. Law enforcement records which are kept apart from the student's other educational records and are maintained solely for law enforcement purposes. These records are made available for inspection by Harper College Police personnel only when acting in the line of duty and only to law enforcement officials of the same jurisdiction. Educational records maintained by the institution may not be disclosed to the personnel of the law enforcement unit.
3. Employment records for College employees, which are kept solely for business reasons.
4. Student records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or para-professional acting in his or her professional or para-professional capacity, and which are made, maintained or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

## Directory Information

The following items are hereby designated as “Directory Information,” and as such may be disclosed or released by the College for any purpose, at its discretion:

The student's name, address, major field of study, participation in officially recognized activities and sports, weights and heights of members of athletic teams, dates of attendance, part-time/full-time

enrollment status, degrees and awards received, the most recent previous educational institution attended and information sent to the National Student Clearinghouse.

Currently enrolled students have the right to withhold the release and disclosure of any or all of these items by giving written notice on the appropriate form to that effect to the Registrar by the first day of each course or program, as the case may be, for which they enroll. Request for non-disclosure will be effective for only one academic year; therefore, authorization to withhold Directory Information must be filed annually.

## Review of Records

The law provides students with the right to inspect and review information contained in their education record; to a response to reasonable requests for explanations and interpretations of the record; to challenge the contents of their education record; 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 officer is unacceptable. The Dean of Students has been assigned by the College to coordinate the inspection and review procedures for student education records, which include admissions, personal, academic, and financial files, academic cooperative education, disclosure and placement records.

Students wishing to review their education records must make a written request to the official responsible for the records listing the item or items of interest.

Records covered by the Act will be made available within 45 days of the request. Students may have copies made of their records with certain exceptions (e.g., a copy of the academic record for which a “hold” exists, student conduct hearing recordings or student conduct records containing protected information about other students, or a transcript of an original or source document which exists elsewhere). Education records do not include records of instructional, administrative and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute, records of the law enforcement unit, student health records, employment records or alumni records. Health records, however, may be reviewed by physicians of the student's choosing.

Students may not inspect and review the following: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; educational records containing information about more than one student, in which case the institution will permit access **only** to that part of the record which pertains to the inquiring student; and confidential letters and recommendations placed in their files prior to January 1, 1975, providing those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

## Procedures to Amend Records and Request Hearings

Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights, may discuss their problems informally at a meeting with the author of the record and the Dean of Students. If the decisions are in agreement with the student's request, the appropriate records will be amended. If not, the students will be notified within a reasonable period of time that the records will not be amended, and they

will be informed by the Dean of Students of their right to a formal hearing. Students' requests for a formal hearing must be made in writing to the Dean of Students who, within a reasonable period of time after receiving such requests, will inform students of the date, place and time of the hearing.

Students may present evidence relevant to the issues raised and may be assisted or presented at the hearings by one or more persons of their choice, including attorneys, at the student's expense. The hearing officers who will adjudicate such challenges will be designated by the President of the College.

Decisions of the hearing officer will be final, will be based solely on the evidence presented at the hearing, will consist of written statements summarizing the evidence and stating the reasons for the decisions and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with the decisions of the hearing officer, if the decisions are in favor of the students.

If the decisions are unsatisfactory to the students, the students may submit statements commenting on the information in the records, or statements setting forth any reason for disagreeing with the decisions of the hearing officer. The statements will be placed in the education records, maintained as part of students' records, and released whenever the records in question are disclosed. Students who believe that their rights have been abridged may file complaints with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington, D.C., 20202-5901 concerning alleged failures of the College to comply with the Act.

Copies of the Act, Harper policies and procedures and forms for use in implementing the Act, are available upon request in the One Stop.