



The College at
BROCKPORT
STATE UNIVERSITY OF NEW YORK

POLICY TITLE: Family Educational Rights and Privacy Act (FERPA)

OVERVIEW: The Family Educational Rights and Privacy Act of 1974 grants certain rights, privileges and protections to students concerning educational records maintained by the College. The law requires that the institution shall protect the confidentiality of student educational records.

OFFICE/DEPARTMENT RESPONSIBLE: Registration and Records, Student Accounts, Academic Advisement, Financial Aid

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Policies and Procedures for the Implementation of the Family Educational Rights and Privacy Act of 1974 (FERPA)

The Family Educational Rights and Privacy Act of 1974 grants certain rights, privileges and protections to students concerning educational records maintained by the College. The law requires that the institution shall protect the confidentiality of student educational records. The law also 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 the decisions of the hearing panels are unsatisfactory.

I. Definition of Student

“Student” is defined, for the implementation of these policies and procedures, as any individual for whom the College maintains educational records. The term applies to anyone who is currently enrolled as a student at the College or anyone who was formerly enrolled as a student at the College. The term does not include an individual who has not been in attendance at the College, as for example an applicant for admission.

II. Definition of Records

In the course of its educational and operational activities, the College and its agents collect, record and maintain various kinds of information on individual students that is used for a variety of purposes. Student information is subject to the provisions of this act when it is made a part of the educational record as defined by the act. Student educational records have the following characteristics: (a) the information is recorded in a reproducible format — it is written or printed or maintained on magnetic tape, computer disk files, punched cards, or on film; (b) it is intended to be preserved for a period of time — usually for the individual’s tenure as a student at the College or longer; (c) it is prepared or recorded by its originator with the intention that it will be shared with others, and the information is accessible to others, although access may be restricted by prescribed conditions; and (d) the information is personally identifiable — that is, it includes the student’s name, social security or other identifying number or code, or a listing of characteristics and other information that would make it possible to identify an individual student. All individually identifiable personal, biographic and academic information routinely

collected on admission applications and registration/schedule request forms is, by definition, part of the student educational record, as is the academic record of all work attempted or completed at the College.

Not all student information collected or maintained by the College is a part of the student educational record. Statistical information and summary reports in which students are not individually or personally identifiable are not subject to the provisions of this act. Information in the form of notes, comments and observations, such as those that might be made by an academic advisor or counselor for subsequent reference by the originator, are not considered a part of the student educational record. Generally, information that is not part of the student educational record is characterized by the following: (a) the information is recorded for the sole use of its originator; (b) it is not intended to be communicated or shared with others; and (c) it is accessible only to the originator or administrative unit. These provisions do not preclude the use of student information shared in consultation among professional colleagues, but such information does not necessarily become a part of the student educational record, unless the conditions in the foregoing definition of student records prevail.

A. Student Educational Records

Student educational records subject to the provisions of this act are:

1. Academic records, which include courses for which a student is registered, credits, grades earned, grade indexes, academic actions, academic status and student classification. Custodian: Office of Registration and Records.
2. Personal, biographic, and identifying information, including information such as name and former names, social security number, date of birth, racial or ethnic characteristics, religious preference, marital status, sex, affiliations and memberships, number of dependents, names of parents or spouse, eligibility for veterans or other governmental benefits, citizenship status or visa type, name of employer, and professional objective. Custodian: Office of Registration and Records.
3. Address files, which include permanent home address, local address, campus address, address of parents or spouse, records associated with on-campus housing assignment, and telephone numbers. Custodian: Office of Registration and Records. (Also Office of Residential Life/Learning Communities for on-campus housing.)
4. Student financial records, including records of charges, payments, refunds and Form 1098-T information. Custodian: Office of Student Accounts.
5. Disciplinary records, which include a record of disciplinary incidents reported, charges brought against the student, and the disposition of those charges through the Judicial System. Custodian: Vice President for Enrollment Management and Student Affairs.
6. Scores or ratings obtained from standardized tests, interest and other inventories, and rating or value scales. Custodian: Career Services.

7. Records and correspondence relating to academic actions, such as waiver or exemption from degree requirements, changes of grades. Custodian: Office of Registration and Records.
8. Records and correspondence relating to academic disciplinary actions. Custodian: Office of the Provost and Vice President for Academic Affairs.
9. Records relating to changes in residency classification for fee purposes, decisions regarding classification, and correspondence relative to such classification. Custodian: Office of Student Accounts.
10. Financial aid records, which include financial aid applications, statements of assets and liabilities, analysis of financial need and records of aid awarded. Custodian: Office of Financial Aid.
11. Medical and psychological records that are used by the College in making decisions regarding the student's status. Custodians: Student Health and Counseling Services (medical and psychological).
12. Letters of recommendation and correspondence containing observations or evaluation of the student. Custodian: Originator.
13. Records showing student progress toward the degree and fulfillment of degree requirements. Custodian: Office of Registration and Records.
14. Lists, rosters and other documents showing student membership in or affiliation with organizations, clubs, fraternities, sororities and similar groups. Custodian: Vice President for Enrollment Management and Student Affairs.
15. Credential records, which include letters of recommendation prepared by College agents for distribution to prospective employers, resumes and other associated materials. Custodian: Office of Registration and Records.
16. Evaluative records summarizing progress reports or examination results that may be maintained at the departmental level, particularly in the case of graduate students, and are used to determine the student's eligibility to continue in a degree program or in other decisions affecting the student's program of studies. Custodian: Departmental Offices.

B. Information that is Not Part of Student Educational Records

The following information is not considered part of the student educational record, and therefore is not subject to the provisions of this act except that unauthorized disclosure of any personally identifiable student information outside the College is in violation of College policy.

1. Grade books, class lists, or other documents maintained by an instructor or substitute (or instructors if more than one individual is responsible for teaching and evaluating students in a given course) to record student performance and achievement during the progress of a course, that are to be used solely by the instructor to determine the final grade and/or number of credits (in cases of variable credit) earned by the student. In cases of practicum, clinical or internship courses, this may include comments and observations made by supervisors of the practicum, clinical or internship experience who are other than the instructor, provided such comments and observations are intended solely for the use of the instructor and not made part of the student's permanent record or prepared for transmission directly to third parties outside the College.
2. Comments and observations made by Admissions and Financial Aid officers, in the course of interviewing applicants or evaluating credentials that are intended solely for the use of the individual officer, or in a consultative process with other Admissions or Financial Aid officers, that are to be used only in admission or financial aid decisions and are not accessible or released to others within or outside the College.
3. Notes, comments and observations made by deans and academic advisers that are intended solely for the use of that individual for subsequent reference in future decisions, actions, or contacts with a student.
4. Records relating to a student that are: (a) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional; (b) to be used solely in connection with the provision of treatment to the student; and (c) not disclosed to anyone other than individuals providing such treatment, so long as the records can be personally reviewed by a physician or other appropriate professional of the student's choice. (Appropriateness may be determined by the institution.) "Treatment" in this context does not include remedial educational activities or activities that are part of the program of instruction at the institution.
5. Criminal and incident-type arrest and investigative information that is compiled by the University Police for use only in carrying out its functions as a local law enforcement agency on the College campus.
6. Notes, comments and evaluations that are used in the selection of students for part-time, on-campus employment and in the evaluation of that employment when this information is used for no other purpose and accessible only within the employing unit.

C. Duplicate Copies of Official Records

In a number of instances, duplicate copies of official records are maintained in the files of various College offices and administrative units. Release of information, when authorized, shall be made only by the custodian of the official record in question — not by those holding duplicate copies. The student's right to inspect and review information contained in student educational records grants the student the right to inspect files

maintained by the official custodian of these records; it does not extend to all files in which duplicate copies of official records may be retained. For example, only the Office of Registration and Records is authorized to release transcripts of academic records; the student has the right to inspect academic records maintained by the Office of Registration and Records, but the student does not have access to duplicate copies of the academic record that may be retained in the offices of academic deans, departmental chairpersons, or academic advisors, nor are these offices authorized to release such information outside the College.

III. Disclosure of Information

The College shall obtain the written consent of the student before disclosing personally identifiable information from the student's educational record. However, consent is not required for disclosure of the following information:

A. Consent Not Required

1. Academic, personal and biographic information will be released to faculty, professional staff and administrative officers of the College and the State University of New York System Administration as required by the duties of their positions. Such personal and academic information as is necessary will be provided to those agencies that engage in cooperative educational and research programs within the College and the State University of New York System Administration.
2. Educational records will be released to persons or organizations providing financial aid as necessary to determine eligibility, amount, and conditions and enforcement, thereof, regarding financial aid. Enrollment records will be released to the National Student Loan Clearinghouse.
3. Financial aid information, student financial account information and disciplinary records will be available within the College only to those individuals or administrative units that require such information for operational purposes or in providing services to students.
4. Portions of educational records will be released to authorized representatives of the following for audit and evaluation of federal and state supported programs: (a) Comptroller General of the United States; (b) the Secretary of the United States Department of Health, Education, and Welfare; (c) the United States Commissioner of Education, Director of National Institute of Education, or Assistant Secretary of Education; and (d) state educational authorities.
5. Educational records will be disclosed to persons in compliance with a judicial order or a lawfully issued subpoena accepted by the President's designees who have been authorized by SUNY System Administration. The College office disclosing the records will first make a reasonable attempt to notify the student unless specifically ordered not to in the subpoena.

6. Information will be released to organizations conducting studies to develop, validate and administer student aid programs or to improve instruction. Those organizations may not disclose personal identification of students, and information secured must be destroyed when no longer needed for their projects.
7. Records will be disclosed to officials of other institutions in which the student seeks to enroll, on condition that the issuing institution has informed the student of this disclosure, or makes such transfer of information a stated institutional policy.
8. Educational records will be released to accrediting organizations carrying out their accrediting functions.
9. In an emergency, educational records will be disclosed to appropriate parties to protect the health or safety of the student or other individuals, taking into account the following factors: (a) the seriousness of the threat to health or safety; (b) the need for the information to meet the emergency; (c) whether the parties to whom the information is disclosed are in a position to deal with the emergency; and (d) the extent to which time is of the essence in dealing with the emergency.

B. Directory Information

The College, in accordance with the provisions of the Family Educational Rights and Privacy Act of 1974, may disclose directory information without the written consent of the student. Directory information includes name, address, e-mail address, telephone number, date of birth, photograph, most recent previous school attended, dates of attendance, field of study, degrees, honors and awards conferred, on-campus student employment, participation in officially recognized activities and sports, and height and weight of athletic team members.

C. Suppression of Student Directory Information

Students can request that their personal directory information be suppressed. Suppressed information will not appear in College publications where directory information on students might otherwise be found. Student requests to suppress directory information must be submitted to the Office of Registration and Records.

Information marked as suppressed will continue to be available as needed by College offices and by course instructors through the ANGEL course management system and BANNER. In ANGEL, the student's information will only appear to the instructor for each course the student is taking. Students can usually see names and e-mail addresses of their classmates in the ANGEL system, however, this information will not be visible for students who have had their information suppressed. Beginning in the fall 2005 semester, course instructors (but not students) will also be able to see the ID photographs of the students registered in their courses.

D. Additional Comments

1. College policy prohibits the release of directories, rosters, lists, or address labels of students to parties not affiliated with the College. All such documents are made available for internal use only and shall not be distributed, loaned, or made accessible to persons, agencies, or organizations without College affiliation.
2. Rosters of names and addresses will be provided to College affiliated organizations such as fraternities and sororities, as well as religious groups when the student has indicated a religious preference, with an understanding that this preference will be reported to the appropriate recognized ministers of faith.
3. Students who participate in intercollegiate athletics are assumed, by their participation, to authorize the College to release to the National Collegiate Athletic Association or other governing body such information as is necessary to certify eligibility for participation in intercollegiate athletics.
4. Lists of membership in fraternities, sororities, and similar organizations, when those entering into such memberships are advised that such memberships will be released or made public, may be released in accordance with the organization's practices. Fraternities, sororities, and similar organizations that are required to report to the national organization with which they are affiliated grade indexes or other indicators of scholastic performance may do so, provided students are advised of this requirement at the time they become members of these organizations.
5. Transcripts or other official academic records, letters of recommendation, and similar comments and observations that are received by the College from secondary schools and other colleges and universities shall not be released outside the College, even when requested by the student. The College registrar may make an exception to this policy in the case of foreign students when such students are unable to obtain duplicate sets of foreign academic credentials.
6. For identification purposes the College may confirm, for law enforcement and governmental investigative agencies, birth date and social security number as required by representatives from such agencies.
7. Grades and test scores shall not be publicly posted using any personally identifiable information (such as name or social security number) or part thereof.

College Records Access

The Freedom of Information Law (Public Officers Law, Article 6), effective January 1, 1978, provides rights of access to College records, except those that fall within one of the nine categories of deniable records [Section 87(2)]. Written application for examination and copying of accessible records must be made to the Records Access Officer, vice president of administration and finance, during regular business hours. The institution will respond to the request for access within a reasonable period of time, but not more than 45 days after receipt of the request.

Appeals of a denial of requested information may be taken within 30 days to the SUNY Office of Governmental and College Relations in Albany.

Students and parents have the right to file a complaint with the U. S. Department of Education concerning the alleged failure of the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U. S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

Safeguarding Customer Information

Effective May 23, 2003, the Federal Trade Commission has issued a final safeguard rule as required by Section 501(b) of the Gramm-Leach-Bliley Act to establish standards relating to administrative, technical and physical safeguards for financial institutions subject to the Commission's jurisdiction. Colleges and universities are subject to these requirements. As required by Section 501(b), the standards are intended to:

- A. ensure the security and confidentiality of customer records and information;
- B. protect against any anticipated threats or hazards to the security or integrity of such records; and
- C. protect against unauthorized access to or use of such records or information that could result in substantial harm or inconvenience to any customer.

516.02 Definition of Customer Information

Customer information means any record containing nonpublic personal information as defined in 16 CFR 313.3(n), about a customer of a financial institution, whether in paper, electronic or other form, that is handled or maintained by or on behalf of you or your affiliates.

Information security program means the administrative, technical or physical safeguards you use to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.

Service provider means any person or entity that receives, maintains, processes, or otherwise is permitted access to customer information through its provision of services directly to a financial institution that is subject to this part.

Confidential Nature of Student Records

1. Academic records may be released, without the student's consent, for such purposes as legitimate research that do not divulge the student's name, and for scholarship, grant or award information.
2. Permanent academic records shall be released for use outside of The College at Brockport, State University of New York, only with the student's written consent.

3. Faculty and appropriate College officials, as designated by the President of The College at Brockport, shall have access to academic records for such purposes as counseling, certification, or academic advising.

For the Consent to Release Student Information (FERPA) form please refer to the [Office of Registration and Records Web page](#).

Link to Federal Law (Family Policy Compliance Office; US Department of Education): 20 U.S.C § 1232g; 34 CFR Part 99: www.ed.gov/policy/gen/guid/fpc/ferpa/index.html