

# FERPA

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## Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) of 1974 is a federal law that was enacted to protect the privacy of students and their educational records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of "educational information." Educational Information refers to any record maintained by an educational institution, including files, documents, and materials of any type which contain information directly related to students, and which allows a student to be identified.

### What is *not* considered Educational Information?

- Sole possession records or private notes held by educational personnel which are not accessible or released to other personnel
- Records that are created by the campus law enforcement unit at least in part for a law enforcement purpose
- Records related to individuals who are employed by the college
- Records related to treatment provided by a physician, psychiatrist, psychologist or other recognized professional
- Records of the college which contain only information about an individual obtained after that person is no longer a student at the college (i.e., alumni records)

### Who is protected under FERPA?

Students who are protected under FERPA are those students who are currently enrolled or formerly enrolled, regardless of their age or status in regard to parental dependency. Students who have applied but have not attended the college, and deceased students do not fall under FERPA guidelines.

### Student's rights under FERPA

Eligible students have the right to inspect and review their educational records within 45 days of the day Manhattan College receives a request for access. The eligible student should submit the request to the Registrar and identify the record(s) they wish to inspect. The Registrar will make arrangements for access and will notify the student of the time/place where the records may be inspected.

An eligible student may also ask the college to amend a record believed to be inaccurate or misleading. If the school decides to not amend the record, the parent or student then has a right to a formal hearing. If, after the hearing, the school still chooses to not amend the record, the eligible student has the right to place a statement with the record commenting on the contested information.

Lastly, a student may formally request that Manhattan College not release Directory Information on their behalf. This request must be submitted to the Registrar. When this request is made, a notation will be flagged in the MC Student Information System and every reasonable effort will be made to safeguard the confidentiality of such information.

### When is a student's consent not required?

There are several exceptions to releasing information without a student's written approval. Some examples are:

- School officials with legitimate educational interests. A school official is a person employed by Manhattan College in an administrative, supervisory, academic, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom Manhattan 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 their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.
- In connection with Financial Aid
- Other schools to which a student is seeking to transfer/enroll
- Parents of a dependent student, as defined by the IRS. The college may release a student's records upon request, but the parent must submit proof of the student's dependency (via most recent federal tax form) prior to receiving the requested information
- Individuals who have obtained court orders or legally issued subpoenas
- Certain government officials in order to carry out lawful functions
- State and local authorities within a juvenile justice system, pursuant to specific State law
- Health and safety emergencies
- Accrediting organizations or organizations conducting studies for MC
- Any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program

### **Directory Information**

Under FERPA guidelines, a student's record may not be disclosed without written authorization unless the requested information falls under the category of "Directory Information." MC may disclose information on a student without violating FERPA if it has designated that information as Directory Information. The following information has been classified as Directory Information by Manhattan College and may be disclosed without a student's written authorization:

- Student name
- Address
- Electronic mail address
- Telephone number
- Dates of attendance
- Date and place of birth
- Major field of study
- Number of credit hours enrolled
- Grade level

- Degrees, honors, and awards received
- Participation in clubs and activities
- Photograph
- Weight and height of members of athletic teams
- Most recent educational institution

The College uses extreme discretion in releasing any student information to an outside source. While MC is legally entitled to release Directory Information, it generally does not disclose more than deemed necessary. The following items are defined as Personally Identifiable Information and can never be disclosed by the College:

- Social Security Number
- Race
- Gender
- Grades
- GPA
- Country of citizenship
- Religion

You have the right to request that any or all of your directory information not be released by Manhattan College. You may contact the Registrar with a written and signed notice not later than 2 weeks of beginning of the semester to withhold the release of any directory information you specify. This request is in effect until you provide written notice to the contrary.

You have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Manhattan College to comply with the requirements of FERPA at:

Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue, S.W.  
Washington, D.C. 20202-4605