



SUNYADIRONDACK

Policy Title: Compliance with the Family Educational Rights and Privacy Act [FERPA]
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Category: Academics
Responsible Office: Office of Records and Registration

This policy applies to: Students, Employees, Affiliated Entity Employees

Table of Contents:

[Summary](#)
[Policy](#)
[Definitions](#)
[Other Related Information](#)
[Processes and Procedures](#)
[Forms](#)
[Authority](#)
[History](#)
[Review](#)
[Appendices](#)

Summary:

The Family Educational Rights and Privacy Act of 1974, also known as 'FERPA' or 'The Buckley Amendment' is a federal law (20 U.S.C. § 1232g; 34 CFR Part 99) that protects student education records by governing disclosure of student records and affording students specific rights to their records, including access. FERPA affords students the right of privacy regarding their grades, enrollment, and even billing information, unless an institution has prior written permission from the student to share that specific type of information, or, in the alternative, a relevant exception applies. FERPA also gives students the right to inspect and review their education records and, under certain circumstances, the right to request that such records be amended.

Policy:

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. These rights and additional stipulations include the following:

1. The right to inspect and review the student's education records within 45 days after the day the College receives a request for access.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.



3. The right to provide written consent before the College discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for the College.

The College may disclose without consent to officials of another school, upon request, in which a student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, including updated or corrected information. The student shall receive notification of the disclosure unless the student initiated the disclosure.

When a student is enrolled in both a high school and the College, the two schools may exchange information on that student even though the students' rights are protected under FERPA at the College. If the student is under 18, the parent or guardian still retain the rights under FERPA at the high school and may inspect and review any records sent by the College to the high school.

4. FERPA permits the disclosure of personally identifiable information [PII] from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA Regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA Regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures.
5. 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 is:
Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Definitions:

Affiliated Entity. Per the Board of Trustees Policy Manual Section 9.1-9.3, the purpose, relationship, responsibility and agreements between the SUNY Adirondack Foundation, Faculty-Student Association and the Adirondack Housing Association, are outlined.

Classroom Attendance. Use of the term includes, but is not limited to attendance in person or by correspondence, video conference, satellite, internet or other electronic information and telecommunications technologies for students who are not physically present in the classroom and the period during which a person is working under a work-study program.



College. Use of this term explicitly refers to Adirondack Community College and/or the College's legal acceptable short name, SUNY Adirondack.

Dates of attendance. The period of time during which a student attends or attended an educational agency or institution, but does not include specific daily records of a student's attendance.

Directory information. Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed, including; the student's name, address, telephone number, campus electronic mail address, date of birth, major field of study, dates of attendance, enrollment status, degrees, honors and awards received, and credit hours earned.

Student Disciplinary action or proceeding. The investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

Education Records Disclosure. To permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means, except the party identified as the party that provided or created the record.

Education Records. Records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.

Eligible student. A student who has reached 18 years of age or is attending an institution of postsecondary education.

Parent. Includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

Personally identifiable information (PII). Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

Record. Any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

School Official. A school official is a person employed by Adirondack Community College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the College who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing their tasks. In addition, a school official may also include a person employed by SUNY System Administration. The College considers the Adirondack Housing Association, LLC, and the Faculty-Student Association of SUNY Adirondack



to be affiliated entities of the College and, as such, participates in the sharing of certain biographic and financial data in order to accurately bill and collect for room and board.

Student. Any individual who is currently, or has formerly taken, courses at SUNY Adirondack, full-time, part-time, credit or non-credit.

Other Related Information:

US Department of Education Family Education Rights and Privacy Act (FERPA)
<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

SUNY Policy 6600 Compliance with FERPA
https://www.suny.edu/sunypp/documents.cfm?doc_id=540

Board of Trustees Policy - Academic Affairs Section 6.11(H) Student Records Access
[N:/Policies, Processes, Procedures and Guidelines/Board of Trustees/Board of Trustees Policy Manual/Section 6 Academic Affairs.pdf](#)

College Catalog - Academic Regulations and Policies: Student Records
<https://catalog.sunyacc.edu/regulations/studentrecords>

Faculty Handbook - Faculty Responsibilities Section B: Information Security - Student Records
[N:/College Operations/Human Resources/Handbooks/Faculty Handbook 2022-2023.pdf](#)

Student Handbook- Policy on Maintaining Student Records
<https://www.sunyacc.edu/23-24 Student Handbook.pdf>

Student Records Retention and Disposition Policy #3006
[N:/Policies, Processes, Procedures and Guidelines/Legal and Compliance/3006 Student Records Retention and Disposition.pdf](#)

Access to Student Records for Military Recruitment and Reserve Officer Training Center Programs Policy #2002 [in development]

Processes and Procedures:

Review of Education Records:

1. An eligible student has the right to inspect and review the student's education records within 45 days after the day Adirondack Community College receives a request for access.
2. A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect.
3. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected.
4. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.



Amendment of Education Records:

1. An eligible student's right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
2. A student who wishes to ask the school to amend a record should write the school official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.
3. If the College decides not to amend the record as requested, the school will notify the student in writing of the decision.
4. The student has the right to appeal the decision with a designated college official. Appeals shall be made within 10 business days of the date of notice. The student shall receive written notice with the date and time of the appeal meeting within 5 business days. The decision of the college official shall be in electronic or written format and submitted to the student within 10 business days of the appeal meeting. All appeal deadlines and time requirements may be extended for good cause by the college official.

Disclosure of Personally Identifiable Information from Education Records:

Requests for PII from education records are made to the Director of Registration and Records.

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure;

1. To school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for Adirondack Community College. Adirondack Community College considers the Adirondack Housing Association, LLC, and the Faculty-Student Association of SUNY Adirondack to be affiliated entities of the College and, as such, participates in the sharing of certain biographic and financial data in order to accurately bill and collect for room and board. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
2. To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
3. To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))



5. To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
6. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
7. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
8. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
9. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
10. Information the school has designated as “directory information” under §99.37. (§99.31(a)(11))
11. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))
12. To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))
13. To parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))
14. To authorized individuals on behalf of deceased students directory information may be provided.

Request to Withhold Information:

1. An eligible student may request to withhold Directory Information from being released by submitting the *Request to Withhold Information (FERPA)* within 14 days following the first day of classes.
2. The failure of any student to specifically object to the release of directory information within the time indicated will be interpreted as approval.
3. Upon completion of the form, the College will not publish any information regarding academic awards, scholarships or graduation information including verifications or certifications until the student authorizes the release of the information in writing.
4. The College will remove the confidentiality hold once the student has graduated.
5. Students may rescind their request at any time by completing the *Option to Cancel* section of the form.

Semester Notification to Eligible Students:

1. The Dean of Student Affairs sends an electronic notification to eligible students.

Semester Notification to Employees:

1. The Director of Registration and Records sends an electronic notification to all employees at the beginning of each semester.

Forms:

Request to Withhold Information Form



[N:\Forms and Applications\Academic\Registrars Office\Request to Withhold Information \(FERPA\) 2014-03-31.pdf](#)

Authority:

Authority to Approve: Vice President for Academic Affairs
Responsible for Oversight: Director of Registration and Records

History:

This is the first Compliance with the Family Educational Rights and Privacy Act (FERPA) policy in this format. This policy was approved by the President on 9/14/23.

Review:

Annually in June.

Appendices:

None
