

Policy Name: Institutional FERPA Policy Statement

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Policy:

**STATE UNIVERSITY OF NEW YORK
COLLEGE AT ONEONTA
ONEONTA, NY**

INSTITUTIONAL FERPA POLICY STATEMENT

DEFINITIONS

For the purposes of this policy, the College at Oneonta has used the following definition of terms.

- *Student* – any person who attends or has attended the College at Oneonta.
- *Education records* – any record (in handwriting, print, tapes, film, or other medium) maintained by the College at Oneonta or an agent of the College which is directly related to a student **except:**
 1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
 2. An employment record of an individual, whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the student's employment.
 3. Records maintained by the College at Oneonta University Police.
 4. Records maintained by the Counseling, Health and Wellness Center if the records are used only for treatment of a student and made available only to those persons providing the treatment.
 5. Alumni records which contain information about a student after he or she is no longer in attendance at the College and which do not relate to the person as a student.

ANNUAL NOTIFICATION

Students will be notified of their FERPA rights annually by publication in the Student Handbook, the Undergraduate Catalog and the Graduate Catalog.

PROCEDURE TO INSPECT EDUCATION RECORDS

Students may inspect and review their education records upon request to the appropriate record custodian. Students should submit to the record custodian or an appropriate College staff person a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The record custodian or an appropriate College staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place

where the records may be inspected. Access must be given within 45 days of the receipt of the request.

When the record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

FEES FOR COPIES OF EDUCATION RECORDS

There will be no fee charged for copies of education records, except for transcript fees in accordance with those authorized by the SUNY Administrative Policies.

REFUSAL TO PROVIDE COPIES

The College at Oneonta reserves the right to deny transcripts or copies of records if the student has an unpaid financial obligation to the College.

RIGHT OF THE COLLEGE TO REFUSE ACCESS

The College at Oneonta reserves the right to refuse to permit a student to inspect the following records:

1. The financial statement of the student's parents.
2. Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in the file before January 1, 1975.
3. Records connected with an application to attend the College at Oneonta or a component unit of the College if that application was denied.
4. Those records which are excluded from the College's definition of education records.

TYPES, LOCATIONS AND CUSTODIANS OF EDUCATION RECORDS

<u>Types</u>	<u>Location</u>	<u>Custodian</u>
Admissions Records	Registrar's Office Netzer Administration Room 127	Registrar
Academic Records (Current and Cumulative)	Registrar's Office Netzer Administration Room 127	Registrar
Advisement Records	Office of student's major And/or minor department	Check with department secretary
Disciplinary Records	Office of Student Development Netzer Administration Room 119	Vice President for Student Development
Financial Records	Student Accounts Office Netzer Administration	Director of Student Accounts

	Room 240	
Placement Records	Career Development Center Netzer Administration Room 110	Director of the Career Development Center
Progress Records	Student Progress and Status Committee files	Chair of Student Progress and Status Committee
	Faculty Office At each academic department	Instructor and/or Program Director or Department Chair

Note: Access to Counseling and Health records are governed by separate State law. These records and their custodians are located in the Counseling and Health Centers.

DISCLOSURE OF EDUCATION RECORDS

Under the New York State Freedom of Information law (FOIL), the records of any state agency, including those of the State University of New York, are available for inspection and copying, unless specifically excepted by that law. One such exception provides that an agency may deny access to records specifically exempted from disclosure by State or Federal law, such as FERPA. Therefore, any FOIL requests for records which are subject to FERPA will be reviewed under the College's FERPA Policy.

Any request for records under FOIL must be directed to the College's Records Access Officer in the President's Office. The request must reasonably describe the records sought.

The College at Oneonta **will not** disclose personally identifiable information from education records to any third party (including parents), **without the student's written consent**, except as follows: The College at Oneonta **will disclose** information relating to a student's tuition and fees to the parents of a dependent student (as defined by the Internal Revenue Code).

The College at Oneonta **may disclose** information from a student's record **without the student's written consent** in the following ways:

1. Directory information as designated by the College and listed in the *Undergraduate Catalog*, *Graduate Catalog*, and *Student Handbook*. Exception: The College will not release directory information on currently enrolled students who have written to the College Registrar requesting confidentiality.
2. To school officials who have a legitimate educational interest in the records. A school official is:
 - A person employed by the College at Oneonta in an administrative, supervisory, academic or research or support staff position

- A person appointed to the Board of Trustees
- A person employed by or under contract to the College to perform a special task, such as the attorney or auditor.

A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or by a contract agreement
 - Performing a task related to a student's education
 - Performing a task related to the discipline of a student.
3. To school officials in other schools who have legitimate educational interests in the behavior of a student, disciplinary action for conduct that posed a significant risk to the safety or well being of the students or other members of the College community.
 4. To certain officials of the U.S. Department of Education, the comptroller General, and state and local educational authorities in connection with certain state or federally supported education programs.
 5. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
 6. If required by a state law requiring disclosure that was adopted before November 19, 1974.
 7. To organizations conducting certain studies for or on behalf of the College at Oneonta and/or the State University of New York.
 8. To accrediting organizations to carry out their functions.
 9. To comply with a judicial order or a lawfully issued subpoena.
 10. To appropriate parties in a health or safety emergency.
 11. To an alleged victim of any crime of violence, the result of any institutional disciplinary proceeding against the alleged perpetrator of that crime, with respect to that crime.
 12. To parents or legal guardians of students under the age of 21 who are found in violation of any Federal, State, or local law, or any rule or policy of the institution governing the use or possession of alcohol or a controlled substance.

RECORD OF REQUESTS FOR DISCLOSURE

The College at Oneonta will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record will become part of the student's education record and thus may be reviewed by the student.

DIRECTORY INFORMATION

The College at Oneonta designates the following items as directory information and may disclose any of these items without student prior written consent:

- student name, postal addresses (not residence hall addresses), phone numbers and electronic mail addresses
- major field(s) of study, class year, academic advisor, dates of attendance, full/part-time enrollment status; degrees and awards received
- most recent previous school attended
- participation in officially recognized activities and sports
- height, weight, and photographs of members of athletic teams

REQUESTS FOR CONFIDENTIALITY

Students wishing to prevent directory information from being released, must contact the Registrar in writing or in person to request that a "confidential" flag be placed on his/her record. These confidential flags will be placed within 48 hours of receipt of the request and will be in effect until the student provides the College Registrar with a written request to remove the confidential flag.

CORRECTION OF EDUCATION RECORDS

Students have the right to ask to have records corrected that they believe are inaccurate, misleading or in violation of their privacy rights. The procedures for the correction of records are as follows:

1. A student must ask the College Registrar or other appropriate custodian of records to amend the record. In so doing, the student should identify the part of the record he/she wants changed and specify why he/she believes it is inaccurate, misleading or in violation of his or her privacy or other rights.
2. The College at Oneonta may comply with the request or it may decide not to comply. If it decides not to comply, the College will notify the student of the decision and advise him/her of his/her right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights.
3. Upon request, the College at Oneonta will arrange for a hearing and notify the student, reasonably in advance, of the date, place and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the institution. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.

5. The College at Oneonta will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the College at Oneonta decides the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he/she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
7. The student's statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the College discloses the contested portion of the record, it must also disclose the student's statement.
8. If the College at Oneonta decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

These procedures for correction of education records shall be used only to address mistakes or violations of privacy and are not available to challenge grades or other academic determinations. Such challenges must be pursued through the College's Academic Grievance Procedure.

The full College policy and procedure for exercising student rights under the Family Educational Rights and Privacy Act of 1974 are available from the College Registrar. Inquiries or complaints may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-4605

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