



POLICY 5100

CONFIDENTIALITY OF STUDENT RECORDS

Policy Category: Students

Area of Administrative Responsibility: Academic Student Services and General Counsel

Board of Trustees Approval Date: January 12, 2021

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PURPOSE

It is the responsibility of every member of the campus community including staff, faculty administrators and students to be familiar with and comply with the Family Education Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g; 34 CFR Part 99. The Campus Registrar serves in the capacity of the FERPA Compliance Officer working together with the Office of General Counsel to ensure that the College safeguards the confidentiality of student records and remains in full compliance with this federal law and its implementing regulations.

SCOPE

This policy is binding on all College employees who, as part of their professional responsibilities, receive access to student education records, as such records are defined by federal law and this policy.

DEFINITIONS

- A. **Education Record:** A record that is directly related to a student and is maintained by Nassau Community College.
- B. **College Official:** a person employed by the College in an administrative, supervisory, academic, or support staff position (including Public Safety personnel and health staff); a person employed by the State University of New York (SUNY) System Administration; a person or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (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.

- C. **Personally Identifiable Information (PII):** includes, but is not limited to the student's name; the name of the student's parents or other family members; a personal identifier, such as a social security number, student's N number; identifiers such as date of birth, place of birth, mother's maiden name; other information that is linked to a specific student which would allow an individual without personal knowledge of relevant circumstances to identify the student with reasonable certainty.

POLICY

- A. **Student Rights under FERPA:** The Family Educational Rights and Privacy Act affords students attending post-secondary institutions certain rights with respect to their education records. FERPA rights include:
1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. A student should submit a written request to the Office of the Registrar that identifies the record(s) the student wishes to inspect. A College official will make arrangements for access and notify the student of the time and place where the records may be inspected.
 2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the College to amend a record should write to the Office of the Registrar, clearly identify the part of the record the student wants changed and specify why it should be changed. If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and of the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when the student is notified of the right to a hearing.
 3. The right to provide written consent before the College discloses PII from the student's education records, except to the extent that FERPA authorizes disclosure without consent, as described below. Nassau Community College will not disclose information from a student's education record without the student's written consent, except in situations detailed in Section B of this Policy, "Permissible Disclosures".
 4. The right to [file a complaint](#) with the United States Department of Education's Family Policy Compliance Office concerning alleged failures by the College to comply with the requirements of FERPA.

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

Additional information about the Family Educational Rights and Privacy Act may be obtained on the [United States Department of Education website](#).

B. Permitted Disclosures:

1. The College discloses education records without a student's prior written consent to College Officials with legitimate educational interests. A College Official has a legitimate educational interest if they need to review an education record in order to fulfill their professional responsibilities for the College.
2. Upon request, the College also discloses education records without the student's consent to officials of another educational institution in which a student seeks or intends to enroll, as long as the disclosure is for purposes related to the student's transfer or enrollment in such institution.
3. Disclosure to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the United States Department of Education, state/local educational authorities, organizations conducting studies for or on behalf of the College, and accrediting organizations. Disclosures under this provision may be made 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 related 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.
4. Disclosure is in connection with a student's application for, and receipt of, financial aid, 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 such aid.
5. Disclosure is to comply with a judicial order or lawfully issued subpoena.
6. Disclosure is to parents of dependent students, as defined by the Internal Revenue Code of 1986, Section 152.
 - a. Note that while FERPA permits disclosure of records to parents of dependent students without student consent, it does not require such disclosure.
 - b. The parent must provide a copy of their most recent federal income tax return establishing the student's dependency. Full rights under FERPA shall be given to either parent, unless the College has been provided with evidence that there is a court order, or other legally binding document relating to such matters as divorce, separation or custody that specifically revokes those rights.
7. Disclosure is to appropriate parties in the event of a health or safety emergency.
8. Disclosure of information the College has designated as "Directory information", as more particularly described below.
9. Disclosure is to a victim of a crime of violence or a non-forcible sex offense, when such disclosure is of the final results of any disciplinary proceedings conducted by the College against the alleged perpetrator of such crime or offense.

10. Disclosure to the general public of the final results of a disciplinary proceeding, if the College determines that 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 College's Code of Conduct with respect to the allegation made against the student.
11. Disclosure is to the student's parent about the student's violation of any Federal, State or local law, or any policy of the College which governs the use and possession of drugs or alcohol, but only if the student is under 21 years of age.

C. Directory Information:

1. FERPA requires that the College, with the exceptions outlined above, obtain a student's written consent prior to disclosing to a third party any PII about that student. However, the College may disclose information designated as "Directory Information" without prior written consent of the student. Directory Information is generally considered information that is not harmful or an invasion of privacy if released.
2. Nassau Community College has designated the following items as Directory Information:
 - a. a student's name,
 - b. student's ID number ("N Number"),
 - c. student email address,
 - d. mailing address,
 - e. major field of study,
 - f. enrollment status (full-time/part-time),
 - g. dates of attendance,
 - h. degrees being pursued,
 - i. participation in College sports and/or activities,
 - j. photographs,
 - k. weight and height of members of athletic teams, and
 - l. degrees, honors and awards received.
3. The main purpose of designating the above information as "directory" is to permit the College to include this information in certain publications, such as: listing student names on the graduation program, submitting students' awards and accomplishments for publication in a local newspaper, or printing students' names in a playbill should they participate in a theater production on Campus.
4. The College may, at its discretion, release Student Directory Information where the release will aid the College in its mission; where the release is made to benefit students; or to College affiliates or partners. The College takes very seriously its responsibility to safeguard the privacy of students. As such, the College does not release any Student Directory Information to individuals or organizations seeking to conduct solicitations, promote their services, or fundraise. Requests by outside parties for Student Directory Information will be considered on an individual basis by the Registrar's Office. Most requests for Directory Information of all students (or categories of students) will be denied.

5. **Opting Out of Directory Information:** The College may not disclose Student Directory Information if a student submitted a written "opt out" request to the Office of the Registrar not to release any Directory Information pertaining to them. Please note that submitting an "opt-out" request will not prevent the College from requiring students to display or disclose their ID card with their N number printed on it when engaging in College-related activities and transactions.
6. **Negative Consequences of Opting Out:** Students who choose to restrict access to their Directory Information should be aware that doing so may result in unintended negative consequences. For example, organizations such as potential employers, scholarship agencies, members of the press, loan agencies, educational organizations and others will not be given access to the student's Directory Information and will not be able to contact the student. Opting out of Directory Information classification may mean that a student will miss out on valuable employment, educational, cultural and other opportunities.

D. FERPA FORMS

1. Students seeking to opt-out of the release of any of their Directory Information by the College may submit the "[Directory Information Opt-Out Form](#)" to the Registrar's Office.
2. Students seeking to authorize a third party to have access to their education records may submit the "[Record Release Form](#)" to the Registrar's Office.

NOTE: In addition to being posted on the College's website, the FERPA-related forms are also available in hard copy and may be filled out by students in person at the Office of the Registrar during regular business hours, upon presenting a current NCC ID card. Forms submitted via email must be sent from the student's NCC Email account.

ENFORCEMENT

Violation of this policy may result in disciplinary action. Employees who are part of a bargaining unit will be subject to disciplinary action brought under their respective collective bargaining agreement. Employees who are not members of a bargaining unit will be subject to discipline by their supervisor.