

# **Miles Community College**

## **Notification Rights under FERPA**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older, or a student who attends a postsecondary institution at any age.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day Miles Community College (“College” or “Institution”) receives a request for access. A student should submit to the MCC Registrar a written request that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that Registrar shall advise the student of the correct official to whom the request should be addressed.
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.

A student who wishes to ask the College to amend a record should write 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 institution decides not to amend the record as requested, the institution will notify the student in writing of the decision and 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 notified of the right to a hearing.

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:
  - To other school officials, including teachers, within the College whom the school has determined to have legitimate educational interests. 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)(3) are met. (§ 99.31(a)(1))
  - 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))
  - 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 the Office of the Commissioner of Higher Education, that is responsible for supervising the college’s 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)

- 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))
  - 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))
  - To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
  - To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
  - To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
  - To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
  - Information the school has designated as “directory information” under § 99.37. (§ 99.31(a)(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))
  - 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))
  - 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))
4. 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:

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

## **Notice Regarding Release of Student Directory Information**

The Family Educational Rights and Privacy Act (FERPA) of 1974 (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. "Education records" are "those records, files, documents, and other materials which 1) contain information directly related to a student; and 2) are maintained by an educational institution. (20 U.S.C. § 1232g(a)(4)(A); 34 CFR § 99.3). FERPA

applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Generally speaking, FERPA allows the College to disclose education records or personally identifiable information from education records in the following circumstances: with the written consent of the student, if the disclosure meets one of the statutory exemptions, or if the disclosure is directory information and the student has not placed a hold on release of directory information.

Miles Community College defines the following information as public (directory) information:

- Student's name
- Address (mailing, permanent and campus e-mail address)
- State of residence
- Telephone number
- Age and date of birth
- Dates of attendance
- Degrees and honors received
- Major or program of study
- Class level
- Participation in officially recognized activities and sports
- Weight and height, if student is a member of an intercollegiate athletic team
- Most recent previous educational agency or institution attended by the student
- Photographic, video, or electronic images of students taken and maintained by the College

FERPA allows the College to release a student's directory information to anyone unless the student informs the Miles Community College Office of the Registrar that he or she does not wish directory information to be released.

### **Restricting Release of Directory Information**

Students who not wish to authorize the release of directory information must inform the Office of the Registrar of this by completing a Request to Restrict Directory Information form. This form can be received by contacting the Registrar's Office at 406.874.6214 or emailing [registrar@milescc.edu](mailto:registrar@milescc.edu). Students should allow at least three business days for processing. Miles Community College assumes that failure on the part of any student to specifically request the withholding of public information indicates individual approval for disclosure.

Students should be aware that restricting the release of directory information has other consequences. For instance, a FERPA restriction makes it difficult or impossible for potential employers to verify enrollment, or to verify the fact that you have earned a degree from the College. The College cannot notify home town newspaper about awards and honors received (e.g., President's list). For this reason alone, many students choose to remove their FERPA directory restriction.

At any time after restricting the release of directory information, a student may change their mind and choose to authorize the College to release directory information. Such authorization may be granted at any time by going to the Registrar's Office at Student Services with a valid photo identification or by completing a Request to Rescind Restriction Directory Information form which can be obtained from the Registrar's Office.