



Policy and Procedure

Policy: Family Educational Rights and Privacy Act (FERPA) Student Rights

Effective Date: 3/18/2024

Responsible Office: Registrar

I. Scope

The Family Educational Rights and Privacy Act, (FERPA) of 1974,(commonly referred to as the “Buckley Amendment”), 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 who attends a postsecondary institution regardless of age.] This policy provides definitions of related terms, outlines those rights, describes the circumstances under which McDaniel College (College) may release personally identifiable information (PII), and exclusions.

II. Definitions

A. Education Records. Those records, files, documents, and other materials which contain information directly related to a student and are maintained by McDaniel College or by a person acting for the College. Education records refer to information recorded in any medium including, but not limited to, handwriting, print, tapes, film, CDs, emails, or electronic devices. Education records do not include: (1) personal notes not accessible or revealed to others; (2) records maintained by law enforcement personnel solely for law enforcement purposes; (3) employment records (except those of student employees); (4) medical, psychological, and psychiatric records (these are accessible by the student's physician); or, (5) records created or received after an individual is no longer a student in attendance that are not directly related to the individual's attendance as a student.

B. Eligible Student. An eligible student is any person who is or has been enrolled (registered for at least one [1] class) at the College. An applicant who does not enroll or who is not admitted has no inherent right to inspect their file. Wherever student is used in reference to personal rights, an eligible parent of a dependent student has similar rights. The eligible parent is one who has satisfied Section 152 of the Internal Revenue Code of 1986 and who presents such proof to the appropriate custodian of the education records each year. Normally, this proof will be a certified copy of the parent's most recent Federal income tax form.

C. Directory Information. Information deemed to be directory in nature may, at the College's discretion, be disclosed to third parties without a student's prior written consent.

Student directory information may include:

- name;
- address (home, campus, and email);
- telephone number (home and cell);
- dates of attendance;
- previous institutions(s) attended;
- class year;
- major fields of study;
- enrollment status;
- awards and honors (includes Dean's List);
- degree(s) conferred (including dates);
- past and present participation in officially recognized sports and activities;
- height and weight of athletes;
- hometown and state; and
- photographs

D. Student Recruitment Information. The following information will be released to military recruiters pursuant to the Solomon Amendment, 10 U.S.C. § 983, a federal law that allows military recruiters to access some addresses, biographical, and academic program information on students age 17 and older. McDaniel will release data included in the list of student recruitment information, if known, even if it is not included on our listing of directory information.

Student recruitment information includes:

- Name;
- Address;
- Telephone listing;
- McDaniel email address;
- Age;
- Place of birth;
- Level of education or class standing;
- Most recent educational institution attended; and
- Academic major.

E. School Official. A person employed by McDaniel College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom McDaniel College has contracted as its agent to provide a service [such as an attorney, auditor, reporting or collection agent]; a person serving on the Board of Trustees; a student serving on an official committee or assisting another school official in performing their tasks.

III. Student Rights to Their Education Records

Pursuant to FERPA, eligible students have the right to inspect and review their education records, to seek to amend their record, to consent to disclosure of these records, and to file complaints with the U.S. Department of Education concerning alleged failure by the College to comply with FERPA.

A. Right to Inspect. Students have a right to inspect and review their education records. To do so, the student must 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. The records shall be made available within forty-five (45) days after the request is received. The College 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 College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

B. Request to Amend. A student who wishes to ask the College to amend a record should write the College official responsible for the record, 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 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.

NOTE: *This policy does not provide for a grade appeal/grievance, which is set forth in the appropriate academic catalog under Academic Policies and Grading: Change of Grade/Grade Appeal (UG) or Grade Grievances (GR).*

C. Right to Provide Written Consent. The College shall not permit access to, or the release of, any information in the education records of any student that is personally identifiable, other than directory information, without the written consent of the student.

In accordance with FERPA, the College will disclose to authorized persons information from the student's educational record provided the College has a consent on file from the student. Students may choose to give access to select individuals by completing the Proxy Access through the MyMcDaniel Portal or by submitting the *FERPA Authorization for Release of Student Information* form to the Registrar's Office.

There are several FERPA exceptions which allow the College to disclose PII without the student's prior written consent. One such exception concerns disclosures to school officials with legitimate educational interest in the record. A school official has a legitimate educational interest if the official needs to review an education record to fulfill their professional responsibilities for the College.

With the exception of school officials who have been determined by the College to have a legitimate educational interest, all individuals and agencies who have obtained access to a student's record (other than directory information) will be noted in a record which is kept with each student's education record. A request must be in writing stating the purpose and the legitimate interest of the request.

Further, McDaniel may provide education records and PII contained in such records to officials of another institution 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 enrollment or transfer.

Additionally, education records and PII contained in such records (including Social Security numbers, grades, or other private information) may be accessed without student consent in certain circumstances. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities (Federal and State Authorities) may allow access to education records and PII without student consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is principally engaged in the provision of education, such as early childhood education and job training, as well as any program that is administered by an education agency or institution. Second, Federal and State Authorities may allow access to education records and PII without student consent to researchers performing certain types of studies, in certain cases even when the College objects to or does not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive PII, but the Authorities need not maintain direct control over such entities. In addition, State Authorities may collect, compile, permanently retain, and share without student consent PII from education records, and they may track a student's participation in education and other programs by linking such PII to other personal information about the student that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

D. Right to Opt Out. A student may request that directory information not be released to anyone other than those persons defined as school officials. To do so, a Request to Withhold Directory Information must be submitted to the Registrar's Office. This request remains valid until the student submits a request, in writing, to the Registrar's Office to remove it.

E. Right to File a Complaint. Eligible students may 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 20202-5901

IV. Release of Personally Identifiable Student Education Records

The College may disclose education records without a student's prior written consent under FERPA exceptions for disclosure including to school officials with legitimate educational interest in the record. A school official has a legitimate educational interest if the official needs to review an education record to fulfill their professional responsibilities for the College. The College may release information deemed directory information by request.

Further, McDaniel may provide education records and PII contained in such records to comply with a judicial order or lawfully issued subpoena, to appropriate officials in cases of health and safety emergencies or notify parents of verified dependent student when it has knowledge of situations adversely affecting a student. Such situations include academic deficiency (warning, probation, suspension, and dismissal) and those exceptions permitted under FERPA regarding alcohol and illegal drug policy violations.

Additionally, education records and PII contained in such records (including Social Security numbers, grades, or other private information) may be accessed without student consent in certain circumstances. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities (Federal and State Authorities) may allow access to education records and PII without student consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. Second, Federal and State Authorities may allow access to education records and PII without student consent to researchers performing certain types of studies, in certain cases even when the College objects to or does not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive PII, but the Authorities need not maintain direct control over such entities. In addition, State Authorities may collect, compile, permanently retain, and share without student consent PII from education records, and they may track a student's participation in education and other programs by linking such PII to other personal information about the student that they obtain from other Federal or State data sources, including development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

V. Exclusions

The right of a student to access their education records does not include access to:

- A. Financial records of parents or any information therein;
- B. Confidential letters and confidential statements of recommendation; or,

C. Records to which access has been waived by a student. This applies only if a student, upon request, is notified of the names of all persons seeking confidential recommendations and if such recommendations are used solely for the purpose they were intended.

VI. Notice to Students

McDaniel College informs its students of the policy governing privacy rights of students' education records (FERPA) via the online catalog, annual emails, and the College website.

References: Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g; 34 CFR Part 99; Solomon Amendment 10 U.S.C. § 983.

Policy Contact: If you have questions regarding this policy, please contact the Registrar's Office at regoffice@mcdaniel.edu

Review Cycle: Every three years

History of Review/Revisions: 2018, 2016, 1974