

## **FERPA (FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT) POLICY**

The Family Educational Rights and Privacy Act of 1974, (FERPA) is a federal law that protects the privacy of students' education records. 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 who attends a postsecondary institution at any age, therefore MCC considers an "eligible student" any student who is currently attending MCC or has attended the College. FERPA does not apply to MCC applicants who have been admitted, but who have not been in attendance.

MCC fully complies with the Family Educational Rights and Privacy Act of 1974, as amended, in respecting the students' specific, protected rights regarding the release of their education records:

- The right to inspect and review the student's education records within 45 days of the day that MCC receives a written request for access.
- The right to request the amendment of the contents of an education record that the student believes is inaccurate, misleading, or otherwise in violation the student's privacy rights under FERPA. FERPA does not address issues involving assigned grades for academic work.
- The right to consent to disclosures of personally identifiable information (PII) contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file with the Department of Education a complaint concerning alleged failures by MCC to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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

MCC can disclose education records without a student's prior written consent under the FERPA exception of disclosure to school officials with legitimate educational interests.

A school official is typically a person employed by MCC in an administrative, supervisory, and academic, or support staff position, a person or company (vendor) with whom MCC has contracted as its agent to provide a service instead of using MCC's employees or officials (attorney, auditor, collection agency, IT service provider, etc.); an organization conducting studies for MCC for the purpose of assisting in accomplishing the MCC's mission; a volunteer serving MCC in a position requiring access to student records who performs an institutional service or function for which the college 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 (including but not limited to a student serving on an official committee or assisting another school official in performing his or her tasks).

A school official has a legitimate educational interest if the official needs access to an education record in order to fulfill his or her professional responsibilities.

Upon request, MCC may disclose education records without consent in the following cases:

- to officials of another school in which a student seeks or intends to enroll or is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer;
- to appropriate persons in connection with an emergency if knowledge is necessary to protect the health or safety of a student or other persons;
- to accrediting organization(s) to carry out their accrediting functions;
- to federal, state or local education authorities as defined in FERPA regulations ("Federal and State Authorities") in connection with program evaluation, research, or data compilation of state or federally supported education programs;
- to organizations conducting studies for, or on behalf of, the school;
- in compliance with judicial order or lawfully issued subpoena, after MCC has made a reasonable effort to notify the student if the notification is not prohibited by the subpoena;
- in connection with a student's request for financial aid (to determine the student's eligibility and/or the amount/conditions of aid or to enforce terms or conditions of the aid);
- if a state law adopted before FERPA (November 19, 1974) requires disclosure and superseded FERPA.

#### **DIRECTORY INFORMATION**

Directory information is defined by the Family Educational Rights and Privacy Act of 1974 (FERPA) as information contained in a student's education record "that would not generally be considered harmful or an invasion of privacy" if disclosed. Each institution has the right to define, within the limits of FERPA regulations, the data that it considers directory information.

MCC has designated the following information as directory information:

- Student Name
- Student ID number (in the capacity of an electronic identifier or displayed on a student ID card)
- Student Address
- Telephone Number
- Email Address
- Current Enrollment Status (number of enrolled credit hours, full-time or part-time status)
- Program of Study
- Student Photograph
- Dates of Attendance (Dates of Enrollment)
- Certifications, honors, and other credentials received related to the program of study

The College follows FERPA regulations' definition of dates of attendance as the period during which a student attends or attended an institution. Examples of "dates of attendance" include start and end date of student enrollment period, an academic year or a specific quarter. The definition does not include specific daily records of a student's attendance at the College.

MCC may disclose appropriately designated "directory information" without student's written consent unless the student requests in writing that it be kept confidential. MCC does not release lists of students or name-and-address labels to businesses or agencies that do not fall within the scope of the definition of "school official with legitimate educational interest" listed above.

Students who do not want their directory information to be released without their prior written consent must notify the College in writing within 30 days of the program start date listed on their Enrollment Agreement or within 30 days of receiving annual FERPA notification statement. MCC refers to this action as "FERPA Block."

For any student, whose directory data is placed on "FERPA Block," MCC will:

- state, "We can provide no information on that person" to any request for information;
- refuse to release any information about the student to any non-institutional person or organization, including but not limited to family and relatives, current or future employers, insurance companies, media outlets, honor societies, etc.;
- omit student's name from any college publications or listings;
- give no financial aid or personal information over the phone.

A student should carefully consider FERPA Block request since it could have undesired results. MCC will honor the student's request to withhold directory information but cannot assume responsibility to contact the student for subsequent permission to release this information. Regardless of the effect upon the student, MCC assumes no liability because of honoring the student's written instructions that directory information be withheld. FERPA Block status remains in effect until the student notifies the College in writing to remove it.

#### **FERPA AND DECEASED STUDENTS**

FERPA's protection of personally identifiable information in a student's education records ends at the time of a student's death and is a matter of institutional policy. As a courtesy to the families of recently deceased students who were enrolled at the time of death, MCC generally will not release information from educational records of deceased students, unless required to do so by law or authorized to do so by the deceased student's spouse, parents, children, or executor of the deceased's estate.