

Montgomery Community College

Notification of Rights under the Family Education Rights and Privacy Act

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** one who attends a postsecondary institution at any age.

1. The student has the right to inspect and review the student's education records within 45 days after the day the Montgomery Community College (MCC) receives a request for access.

A student should submit to the Director of Enrollment (Director) a written request that identifies the record(s) the student wishes to inspect. The Director 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 Director to whom the request was submitted, the student will be advised of the correct official to whom the request should be addressed.

2. The student has 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 Director, clearly identifying the part of the record the student wants changed and specifying why it should be changed. If the College decides not to amend the record as requested, the student will be notified in writing of the decision and the student's right to a hearing regarding the request for amendment. The student will be informed of his/her right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the College's decision.

3. The student has the right to provide written consent to disclosures of personally identifiable information (PII) contained in the student's education records. FERPA requires that the College obtain the student's written consent prior to the disclosure of PII with certain exceptions. College officials with a legitimate educational interest are an exception, therefore, no consent is needed from the student. Other exceptions to disclosures include:

- To organizations conducting studies for, or on behalf of, the school.
- To appropriate officials in connection with a health or safety emergency.
- Under the U.S. Patriot Act.
- Federal, state, and local authorities.
- Accrediting organizations.
- State, local, or tribal welfare agencies.
- College officials with legitimate educational interest.
- To comply with a judicial order or lawfully issued subpoena.
- In response to a lawsuit where a student names the College as a party.
- 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.
- 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.
- In compliance with Title IX, the College may disclose the final results of campus disciplinary proceedings in which a student respondent is charged with a violent crime or non-forcible sex offense. Upon the request of the complainant, disclosure may be made regardless of whether the respondent was found responsible. Disclosures to third parties may be made only if the student respondent is found responsible. Disclosure in this situation is limited to the name of the violator, the type of student code violation found to have occurred, and the sanction imposed by the College.
- The College shall release a student's educational records to the student's parents when requested by the parents and: i) the student is listed as a dependent on the parents' tax returns; ii) the student violated a law or the College's policies regarding drugs and alcohol and the student is under the age of 21; or iii) the disclosure is needed to protect the health or safety of the eligible student or other individuals in an emergency situation.

4. A college official includes any of the following when that person has a legitimate educational interest in having access to the information:
 - Any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed by the College;
 - A member of the College's Board of Trustees
 - A contractor, consultant, volunteer, or other party to whom the College has outsourced services or functions, such as, but not limited to: an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, law enforcement unit, investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the College would otherwise use employees, is under the direct control of the school district with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of personally identifiable information from education records; and
 - A person serving on a committee appointed by the College, such as a disciplinary or grievance committee or other review committee.

A college official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibilities for the college.

5. The College may disclose a student's public directory information. At MCC, directory information includes the student's name, city of residence, major field of study, dates of attendance/enrollment, and credentials earned and dates awarded.

Students who do not want the College to disclose their directory information without prior written consent must submit a completed Student Release Form to the Director of Enrollment within fourteen (14) days of the beginning of the academic year or within fourteen (14) days of enrollment at MCC.

6. A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with FERPA requirements. 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