COLLEGE OF MICRONESIA-FSM

BOARD POLICY NO. 4800

Student Education Records and Privacy

Date Adopted: 20-23 March 2006

Date Revised: 22 March 2014; 21 March 2019

Date Reviewed: 21 March 2019;

References: Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99; Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801-6809; 16 CFR Part 314 (Safeguards Rule); 34 CFR § 668.24 (Title IV record retention); 10 U.S.C. § 983 (military recruiter access); Title IX, 34 CFR Part 106; Section 504 of the Rehabilitation Act, 34 CFR Part 104; Clery Act, 34 CFR § 668.46; applicable laws of the Federated States of Micronesia.

I. Purpose and Scope

The College of Micronesia-FSM (the College) maintains education records to support student learning, advising, and academic progress, and to administer financial aid and other College services. The College protects the privacy of these records and complies with FERPA and its implementing regulations. This policy applies to all students, at every campus and center and in every mode of instruction, and to all College employees, contractors, and volunteers who access student records.

II. Definitions

1. **Student.** A person who is or has been in attendance at the College, in any format. Applicants who have not attended are not covered by FERPA, but the College will protect their information as a matter of good practice.
2. **Education records.** ecords, in any medium (paper, electronic, audio, video, or other), that are directly related to a student and maintained by the College or a party acting for it. This includes records held by the Office of Admissions, Records, and Retention; the Financial Aid Office; the Business Office; academic departments; and faculty and staff.
3. **Exclusions**. FERPA excludes the following from education records: (a) personal notes kept in the sole possession of their maker and not shared with others; (b) records of the College's law enforcement or campus security unit created for law enforcement purposes; (c) employment records of non-student employees (but not records of students employed because they are students); (d) medical and counseling treatment records, which may be disclosed only to the treating professionals or as the law permits; (e) alumni records created after the student is no longer enrolled; and (f) grades on peer-graded papers before collection by the instructor.
4. **Personally identifiable information (PII)**. Information that directly identifies a student or that, alone or combined, would allow a reasonable person to identify the student. Examples are name, address, student ID number, Social Security number, and biometric data.
5. **School official.** An employee, board member, or contractor acting for the College who has a legitimate educational interest in a record.
6. **Legitimate educational interest.** A need to review a record to fulfill a professional responsibility to the College.

7. **Directory information.** Information not generally considered harmful or an invasion of privacy if disclosed, as designated in Section VII.

III. Student Rights

Students have the right to:

1. Inspect and review their education records.
2. Request amendment of records they believe are inaccurate, misleading, or in violation of their privacy rights.
3. Consent to disclosure of PII in their education records, except where the law allows disclosure without consent.
4. Opt out of the disclosure of directory information.
5. File a complaint with the U.S. Department of Education concerning alleged College failures to comply with FERPA. Complaints go to the Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202, and must generally be filed within 180 days of the alleged violation or of when the student learned of it.
6. Receive annual notice of these rights.

Under FERPA, rights belong to the student once the student enrolls in a postsecondary institution, regardless of age.

IV. Annual Notification

The College will notify students annually of their FERPA rights, in the catalog, the student handbook, and on the College website. The notice will explain how to inspect and request amendment of records, the criteria for identifying school officials and legitimate educational interest, the categories of directory information and the opt-out procedure, and the right to file a complaint.

V. Inspection and Review

1. Students may request access in writing to the custodian of the record (or to the Office of Admissions, Records, and Retention, which will coordinate).
2. The College will comply within a reasonable time, and no later than 45 calendar days after receiving the request.
3. The College will respond to reasonable requests for explanation and interpretation of records.
4. If distance or other circumstances effectively prevent a student from inspecting records in person, as may occur for students at other campuses or on other islands, the College will provide a copy or another means of access, such as secure electronic access. The College may not charge a fee to search for or retrieve records. It may charge a reasonable fee for copies unless the fee would effectively prevent access.
5. The College may verify a student's identity before granting access.
6. Students may not inspect: financial records of their parents; confidential letters of recommendation for which the student waived the right of access; and records excluded in Section II.

VI. Amendment of Records

1. Student who believes a record is inaccurate, misleading, or violates privacy rights may submit a written request identifying the record and the change sought, and the reason.
2. The College will decide within a reasonable time and notify the student in writing.
3. If the College declines to amend, it will inform the student of the right to a hearing.
4. The hearing will be conducted by a College official who has no direct interest in the outcome. The student will have a full and fair opportunity to present evidence and may be assisted by others, including an attorney at the student's own expense. The decision will be in writing and based solely on the evidence presented.
5. If the College still declines, the student may place in the record a statement of disagreement, which the College will keep and disclose with the record for as long as the record is maintained.
6. This process does not apply to substantive academic judgments that are correctly recorded, such as a grade. Students who believe a grade was calculated or recorded incorrectly may use the grade appeal procedure in [cross-reference the College's grade appeal policy].

VII. Directory Information

1. The College designates the following as directory information: name; address; telephone number; College-assigned email address; photograph and video images; major field of study; grade level (such as first-year or sophomore); enrollment status (full-time or part-time); dates of attendance; degrees, certificates, honors, and awards received; participation in officially recognized activities and sports; height and weight of members of athletic teams; and the most recent previous educational institution attended.
2. Social Security numbers will never be directory information. A student ID number may be designated directory information only if it cannot be used alone to gain access to records.
3. Sudents may opt out of the disclosure of directory information by submitting a written request to the Office of Admissions, Records, and Retention. To ensure that the request is reflected in directories and publications prepared for a term, students should submit it within 14 calendar days of the first day of classes. A request may be submitted at any time and takes effect on receipt, but it does not apply to information already released or published. An opt-out remains in effect until the student revokes it in writing, including after the student leaves the College. An opt-out does not prevent the College from identifying a student by name, student ID number, or College email address within a class in which the student is enrolled, and does not prevent disclosures permitted without consent under Section IX.
4. The College may disclose directory information without consent unless the student has opted out, but is not required to. It may decline to disclose it to any requester.
5. The College will release student recruiting information to military recruiters as required by federal law, to the extent the information is designated as directory information and the student has not opted out.

VIII. Disclosure With Consent

The College will disclose PII from education records only with the student's prior written consent, except as provided in Section 9. Consent must be signed and dated (electronic signatures that meet FERPA requirements are acceptable) and must specify the records to be disclosed, the purpose, and the party or class of parties to receive them.

IX. Disclosure Without Consent

FERPA permits, but does not require, the College to disclose PII without consent in the following circumstances:

1. **School officials** with a legitimate educational interest, including contractors and service providers under the College's direct control that are bound by this policy and FERPA use and redisclosure restrictions.
2. **Other schools** in which the student seeks or intends to enroll or is enrolled, on request.
3. **Federal, state, and local authorities** conducting audits, evaluations, or compliance activities for education programs, as allowed by 34 CFR Part 99.
4. **Financial aid**, where needed to determine eligibility, amount, and conditions of aid, or to enforce its terms.
5. **Organizations conducting studies** for or on behalf of the College, under a written agreement.
6. **Accrediting organizations** carrying out their accrediting functions.
7. **Parents of a dependent student**, as defined under the Internal Revenue Code, upon proof of dependency. The College will not routinely release education records to parents.
8. **Judicial orders and lawfully issued subpoenas.** The College will make a reasonable effort to notify the student in advance so the student may seek protective action, except where the order or subpoena prohibits notice, such as certain law enforcement subpoenas.
9. **Health or safety emergencies**, to appropriate persons where necessary to protect the health or safety of the student or others. The College will document the articulable and significant threat and the parties to whom information was disclosed.
10. **Disciplinary outcomes** to an alleged victim of a crime of violence or non-forcible sex offense, and final results of disciplinary proceedings as permitted by 34 CFR § 99.39.
11. **Parents of students under age 21** regarding violations of federal, state, or local law, or College policy, governing alcohol or controlled substances, where the College determines the student committed a violation.
12. Directory information, subject to Section VII.
13. **Registered sex offender** information provided to the College under federal law.

The College will make a reasonable effort to verify the identity of any person to whom it discloses PII.

X. Record of Disclosures and Redisclosure

1. The College will maintain a written information security program consistent with the GLBA Safeguards Rule, including a designated qualified individual to oversee it, periodic risk assessments, access controls, encryption of student data in transit and at rest, multi-factor authentication, secure disposal, monitoring, service provider oversight, staff training, and an incident response plan.
2. Access to education records is limited to those with a legitimate educational interest and must be based on role.
3. Employees and contractors must complete FERPA training at hire and periodically thereafter, and must protect PII in all media, including email, cloud services, and remote and mobile access.
4. The College will promptly investigate suspected unauthorized access or disclosure, notify affected students, and report incidents to the U.S. Department of Education and other authorities as required by law.

XI. Retention and Disposal

The College will retain and dispose of education records according to an approved retention schedule that meets federal requirements, including Title IV record retention (34 CFR § 668.24), Clery Act, and Title IX requirements. Permanent academic records (transcripts) will be retained permanently. A record will not be destroyed while a request to inspect it is pending.

XII. Confidentiality of Special Categories

The College will handle with heightened confidentiality: disability and accommodation records; Title IX and sexual misconduct records; counseling and health records; immigration and visa-related records; and student conduct records.

XIII. Employee Responsibility and Sanctions

Employees who access, use, or disclose education records improperly are subject to disciplinary action under applicable personnel policies. Students and third parties who misuse student records may be subject to disciplinary or other action.

XIV. Administration

The President is responsible for ensuring the College's compliance with this policy and delegates day-to-day administration to the Vice President for Enrollment Management and Student Services, who serves as the College's FERPA Compliance Officer. The Compliance Officer will (a) issue administrative procedures, forms, and the annual notification; (b) coordinate FERPA training for employees; (c) coordinate with the College's designated information security Qualified Individual on safeguarding student records and responding to incidents; and (d) serve as the contact for student questions and complaints. If the Compliance Officer has a conflict of interest in a matter, the President will designate an alternate. This policy will be reviewed by the Board at least every three years.

~~Educational records are kept by the college on individual students to facilitate their educational development. The Office of Admissions, Records, and Retention keeps records on the academic history of all students. The Financial Aid Office keeps records on financial assistance to each student and their academic progress. The Business Office keeps records on individual student accounts. Faculty and staff members may also keep informal records relating to their functional responsibilities with individual students. Students have the right to know the purpose, contents, and locations of information kept on them as part of their educational records.~~

~~Students have the right to gain access to and challenge the content of their educational records. The right of challenge does not include questioning substantive judgments that are correctly recorded, such as a grade in a course.~~

~~Students have the right to have some control over the disclosure of information from the records. They can expect that information in their educational records is kept confidential, and disclosed only with their permission or under provisions of the law.~~

~~Parents also have the right to expect confidentiality of certain information about them in the educational records and, under certain conditions, to gain access to the information in their child's educational record. However, since the college considers all students independent, that information which may be released to them without the student's specific permission is limited to directory information.~~