

FERPA AND MOLLOY CONFIDENTIALITY POLICY 2013-2015

FERPA RIGHTS NOTIFICATION

The Family Educational Rights and Privacy Act (FERPA) of 1974, as Amended, 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.) These rights include:

- The right to inspect and review the student's education records within 45 days after the day Molloy College receives a request for access. A student should 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 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 Molloy 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.
- The right to request the amendment of the student's education records that the student believes are inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA.
 - A student who wishes to ask Molloy College to amend a record should write the Molloy 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 Molloy 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. (Molloy College additional information is further described under "Grade Appeals" and "Complaint Procedures" of the college catalog, as well as in the Molloy College Student Handbook.)
- The right to provide written consent before Molloy College discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
 - Molloy College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person who is employed by Molloy College in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of Molloy College who performs an institutional service or function for which the school 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, such as an attorney, auditor or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for Molloy College.
 - Upon request, Molloy College also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.
- The right to file a complaint with the U.S. Department of Education, concerning alleged failures by Molloy 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, S.W.
Washington, D.C. 20202-5901

- Molloy College's public notice on directory information is provided under "Confidentiality and Directory Information" in the catalog.

FERPA permits the disclosure of personally identifiable information (PII) from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information and disclosures to the student. §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible

students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student.

- To other school officials, including teachers, within Molloy College whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers or 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)(2) 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 representative 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 a State postsecondary authority that is responsible for supervising the university's State-supported 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 test; (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).}
- The disclosure concerns sex offenders and other individuals required to register under section 17010 of the Violent Crime Control and Law Enforcement Act of 1994.

FERPA RIGHTS NOTIFICATION

As of January 4, 2012, the U.S. Department of Education's FERPA regulations expand the circumstance under which student education records and personally identifiable information (PII) contained in such records - including the student's Social Security Number, grades or other private information - may be accessed without the student's consent. First 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 student records and PII without your 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 your education records and PII without your consent to researches 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 your PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data System, State Authorities may collect, compile, permanently retain and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you 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.

CONFIDENTIALITY AND DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Molloy College, with certain exceptions, obtain a student's written consent prior to the disclosure of personally identifiable information from the student's education records. However, Molloy College may disclose appropriately designated "directory information" without written consent, unless the student has requested non-disclosure. Directory information is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed. It can be disclosed to outside organizations without prior written consent. Designated directory information at Molloy College includes the following:

- Student's name
- Address (see policy explanation)
- Telephone listing (see policy explanation)
- Electronic mail address (see policy explanation)
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance (an academic year or semester, not specific daily records)
- Grade level or classification
- Enrollment status (e.g., undergraduate or graduate, full-time or part-time, withdrawn or on leave)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors and awards received
- The most recent educational agency or institution attended
- Student identifications numbers (excludes passwords and PINS)

Molloy College does not give student home addresses or phone numbers to outside callers (family, friends, prospective employers, etc.), but Molloy may use this information to contact the student, to distribute college information for outside organizations and as needed for governmentally mandated institutional reporting to federal and state agencies. Email addresses are available to the campus community through the college email software.

Non-directory information is confidential and is not released without the student's consent. Items such as a student's social security number or any parts thereof, GPA, specific disciplinary actions, health status, financial aid awards, billing information, test scores, specific grades received, race, ethnicity, religion, gender or country of origin are confidential. A student must sign a release to have this confidential information given out. Letters of recommendation may only include the student's GPA or grades in Molloy classes if the student has signed a release.

Students may waive their right to review confidential letters and statements of recommendations under FERPA subject to not being required to do so as a condition of admission to or for receipt of a service or benefit from the institution. The documents that students have waived their rights to access may only be used for the designated purpose. The waiver must be in writing, dated, state the purpose of the disclosure, specify the record to be released, identify the party or class of parties to whom disclosure may be made and signed by the student. All transcripts must similarly be requested by a signed release. Transcript requests will be processed, if the student has no financial and/or other outstanding college obligations. (Contact the specific campus office for instructions on how to request the release of other information.)

Biometric information (records with one or more measurable biological or behavioral characteristics that can be used for identification of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics and handwriting) is considered confidential and will not be released without consent.

Any student who does not want even the standard directory information released without prior written consent, must sign and submit the "Request to Prevent Disclosure of Directory Information" at the Registrar's Office prior to the second week of the Fall or Spring term. The request will be honored until the end of the academic year. A new form for non-disclosure must be completed each academic year. A "Request to Prevent Disclosure of Directory Information" prevents release of all elements of directory information. Molloy College does not apply a "no release" request differentially to the various directory information elements. (Students should note that the request to withhold directory information may prevent some Molloy College mailings from reaching the student and may delay potential employers from gaining essential information needed for background checks. Regardless of the effect upon the student, Molloy College assumes no liability for honoring student's instructions that information be withheld.)

For health or safety emergency situations, Molloy College Security should be contacted and provided a description of the situation and satisfactory justification for contacting the student. If the situation warrants, Molloy College Security may try to intercede by locating and notifying the student of an emergency. At the discretion of College officials, a limited amount of information may be made to appropriate parties, including parents, in connection with an emergency, when the information is necessary to protect the health and safety of the student or other persons.

On July 1, 2001, the NY State Education Law, Section 2-B (Chapter 214 of the Laws of 2000) became effective, restricting the use of social security numbers from being provided to faculty and staff on identification cards, in student directories and class lists, unless specifically authorized or required by law. Molloy College complies internally with this law to protect students against the invasion of privacy and identity theft.

The only other information that will be released without prior written consent is under those circumstances specified by federal law, such as requests for information governed by the Solomon Act or the Patriot's Act and by court orders or subpoenas. Disclosure of personally identifiable information to the Immigration and Naturalization Service (INS) is allowed with the student's consent on the Form I-20.

Requests for viewing and challenging the student's file should be made in writing directly to the appropriate administrative office. Examples of offices maintaining educational records for such inspection are as follows: Office of Admissions, Office of the Registrar, the Financial Aid Office and Academic Support Services. Students are not allowed access to financial statements of their parents or guardians, confidential statements to which the student has waived access rights or records containing information about another student. Students may challenge the contents of their educational records in accordance with College procedures, as set forth in Molloy College's Procedure for Compliance and through appeals as described in this catalog and the Molloy College Student Handbook.

DIRECTORY INFORMATION IN THE CLASSROOM

Students cannot choose to be anonymous in the classroom setting. If a student has chosen "no release" for his or her directory information, that does not mean that an instructor cannot call on him or her by name in class or that the student's email address, username or photo cannot be displayed on an electronic classroom support tool such as discussion board, blog or chat feature. (C.F.R. 99.37(c) of the 2009 FERPA regulations). Currently, students may choose to opt out of sharing their photo with a class in the Learning Management Software (LMS) through their account in Lion's Den. Students may not prevent the instructor of the class seeing their photo in the class.

At Molloy, courses supported by websites and/or discussion groups have extra precautions and security to not inadvertently display or release non-directory student information. The faculty member and the students in discussion sites are reminded that discussion threads should not be shared with others outside the class without permission of the author to do so.

Podcasting a class that includes class discussions may not be done without the student's express written permission. The instructor can offer a voluntary "public" version of his/her course but cannot compel students to participate.