



Student Records and Students' Rights:

WHAT GENESEO FAMILIES SHOULD
KNOW ABOUT FERPA

(Family Educational Rights and Privacy Act)

— *Division of Student and Campus Life* —
Geneseo

An At-A-Glance Guide to Federal and College Policy

Dear Geneseo Parent:

"Few things help an individual more than to place responsibility upon him, and to let him know you trust him."

These words, attributed to Booker T. Washington, have served as a guiding principle for the Geneseo administrators responsible for student life. It is in this context of developing responsibility and building trust that we have established successful methods for working with our students and communicating with students and their parents. This letter and the accompanying brochure are being provided to you so you can acquire a more complete understanding of how we approach our work on a daily basis.

The philosophy of student development captured in the words of Booker T. Washington is the principle determinant of how we interact with our students and their parents. Federal and state law, including the federal Family Educational Rights and Privacy Act (FERPA), also determines the relationships between the College's administrators and its students and their parents. This act ensures that nearly all communication between students and the College is viewed as confidential, and that most information about students' collegiate experiences can be shared with the parents or legal guardians of individual students only when the law authorizes the College to do so. Rights accorded students by FERPA take effect at the time of their enrollment in post-secondary educational programs regardless of the ages of the students.

It is important for students and their parents to discuss their expectations for sharing information with each other related to the student's academic performance, disciplinary record, and health and well-being prior to the start of the academic year. Given both the legal constraints imposed on the College and its philosophy of student development, the College expects that its students will inform their parents or guardians of any disciplinary action taken by the College that may impact the student's enrollment. As a rule, while the College will not directly inform parents or guardians of the disciplinary action it takes against individual students, the Dean of Students (or his designee) strongly encourages students to share information with their parents or guardians about their involvement in incidents that violated College policy, and the consequences of such involvement.

Student confidentiality is an equally important concern in health and counseling issues. In non-emergency situations where students have sought and/or received medical or psychological treatment on campus, the campus will abide by state and federal law as it pertains to client/provider confidentiality, and will not release information about students without the prior written consent of the students.

In the case of health emergencies where students have received medical or psychological treatment off campus, the College defers to off-campus health care providers the responsibility of informing parents and guardians of the health status of students. Recently enacted federal health privacy legislation has significantly limited the ability of the College to have access to information about the status of their students' health in the case of health emergencies. However, if the College obtains information that a student is experiencing an imminently life threatening emergency, the Dean of Students will make every reasonable effort to notify the parents or guardians of the student.

Geneseo's administrators feel privileged to share in the collegiate experiences of your sons and daughters, and pledge to do all that we can to ensure their well-being. We pledge to fulfill our duties not only in a manner that reflects the high level of personal concern we have for them, but to do so in full accordance with state and federal law pertaining to student privacy.

Sincerely,



Robert A. Bonfiglio
Vice-President for Student and Campus Life

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law which is designed to protect the privacy of and limit access to the educational records of students. In essence, FERPA is civil rights legislation for college students. FERPA identifies four fundamental rights of students:

- the right to have access to their educational records;
- the right, through consent, to specify which third parties may access their records;
- the right to challenge/correct information in their records; and
- the right to be informed of their privacy rights.

These rights apply to all students, regardless of their age.

Confidential education records generally covered by federal privacy laws and exceptions include:

- Grades
- Test scores
- I.D. numbers or social security numbers
- Financial records
- Class schedules
- Semester, cumulative, or major GPA
- Housing information
- Disciplinary records (or results of hearings)
- Class attendance information

These records, maintained by SUNY Geneseo or any agent of the College, include any document or information directly related to a student.

FERPA, then, mandates that institutions generally must withhold such information from parents and others, even if they believe that their relationship with the student entitles them to have the information. As a result, we sometimes encounter frustrated parents, guardians, or spouses (or even faculty members who do not have “an educational need to know” as defined by federal law) who question why they cannot have information about a student’s grades, financial obligations, or standing within the College.

To help prevent the frustration caused by this law, the College is pleased to share this information from educational records if a signed, dated written release is submitted by a student to the College verifying that specific information from the student’s educational record be released to a designated individual. Without such a signed release, the College will not make exceptions to FERPA.

Excluded from classification as “educational records” under FERPA are medical and psychological records. Mandates beyond FERPA (such as licensing laws and federal legislation regarding patients’ rights) require that a higher level of privacy be applied to Health and Counseling Services’ records. These areas must maintain strict confidentiality of all information (including identity) related to students who are utilizing those services.

There are several reasons for these tighter restrictions on Health and Counseling Services' records:

- **Practical Considerations** - Students will not utilize the full range of services available – particularly in areas such as counseling, sexual health and substance use – if they believe that others will be told that they received these services.
- **Ethical & Licensing Standards** - Health and Counseling Services staff members are bound by the ethical standards which apply to the provision of college health and counseling, as well as standards of the applicable licensing boards and professional associations to which they belong. Each of these states unequivocally that, with certain specific exceptions, strict confidentiality is to be maintained of all information related to an individual's medical/psychological treatment. In cases where confidentiality must be broken (e.g., imminent danger to self or others) information may only be released to those individuals who would be directly involved with securing or providing treatment – hospital personnel, emergency service workers, etc.
- **Legal Mandates** - Finally, from the age of 18 individuals have the legal authority to consent to their own medical and psychological treatment. According to state and federal laws, treatment providers are mandated to safeguard the privacy and confidentiality of all consenting patients. To release information without specific consent is a violation of the law. The potential consequences to the provider and agency engaging in such action include civil penalties and loss of license to practice.

There is certain non-confidential directory information that under FERPA can be released without a student's permission. At Geneseo, this non-confidential directory information includes

- Name
- Address
- Telephone listing
- E-mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Enrollment status
- Participation in officially recognized activities
- Degrees, honors, and awards
- Most recent educational institution attended
- Weight and height (student athletes)

This information that the College has identified as directory information and that it routinely releases without a student's explicit permission can also be made confidential at a student's request. For students to do so, they must put their request in writing to the Dean of Students before the first Friday of each semester. Additionally, the College can refuse to release such information if a request seems improper, e.g., for commercial exploitation.

Frequently Asked Questions:

How can I learn how my child is doing?

The best approach is to ask your student. Communicating with young adults, as you may well know, sometimes isn't easy. They are not always as forthcoming as we would like. The college years, however, are a period of remarkable growth and maturation. The ability and willingness of students to share information and insights usually grows, especially as they acquire the confidence that comes with assuming greater responsibility for their own lives.

How can I find out about my student's grades, and will I be notified if my student is put on academic probation, or is subject to academic dismissal?

Information about grades and academic standing is given directly to students. Most parents find out this information by asking their student. Doing so fosters trust and a sense of mutual responsibility. You can, of course, ask your student to keep you routinely informed about his/her academic performance, and you can review their academic records with them through the College's interactive web service.

I had easy access to my child's school records before, so why don't I have the same access to records kept by the College?

Under FERPA, the access rights that parents and legal guardians had in the elementary and secondary school setting are transferred to students, once a student has turned eighteen, or is attending any post-secondary educational institution.

What are the exceptions to FERPA's coverage?

There is a detailed list of exceptions of the FERPA regulations. Perhaps the most important exception allows - but does not require - "disclosure [of information in the students education records] to the parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986" [part 99.31 (a) (8)].

As a matter of policy, although the above stated IRS exception exists, the College does not grant such parental access to educational records even if you claim your student as a dependent for federal tax purposes, or if you pay the bills.

Rationale for College Policy on Information Sharing

Throughout the College, its staff works from the underlying assumption that our students are in the transition from late adolescence to adulthood. Part of how we foster that transition is by treating students as adults, granting them both the rights and responsibilities which go along with that status. This is manifested in the fact that we communicate directly with them, and not directly with parents, regarding student concerns. Yet while we may not call to inform you of your student's status, we certainly encourage them to contact you themselves, thereby fostering a sense of trust and mutual responsibility.

Will I be informed if my daughter or son is treated at Health or Counseling Services?

Health and Counseling Services' records are subject to even more restrictions than are educational records. Those restrictions extend to the need to keep confidential the identity of students seeking services. There are important reasons for these confidentiality requirements, including the proven therapeutic benefits associated with encouraging students to talk openly and candidly with a physician, psychologist or other health professional without fear that their conversations will be reported to others. Many students, however, welcome their parents' interest in their physical and mental health and are willing to give consent for treatment providers to communicate with their parents.

Frequently Asked Questions

What if my son or daughter is under 18?

The privacy regulations mandated by FERPA apply to all college students, even those who are not yet 18 years old. Regarding consent for medical or psychological treatment, while the need to maintain confidentiality is still very important, students who are under 18 must have parental consent for treatment. The exception to this requirement is in the case of an emergency or if there is a compelling reason why seeking parental consent would be detrimental.

Will I be notified if my child is hurt or in danger?

In the event of a potentially life-threatening emergency FERPA does allow parents or guardians to be notified without prior consent from the student. In those rare events the Dean of Students will make every reasonable effort to notify parents about the situation. Most situations, however, don't constitute an imminently life-threatening danger and parents would not be contacted without the student's permission.

I've heard about changes in FERPA allowing notice to the public if a student commits a crime of violence, and allowing notice to parents when a student violates drug or alcohol laws. What is the College's position on these provisions?

These changes in FERPA allow, but do not require, releases of final results of campus disciplinary proceedings regarding specified crimes of violence or non-forcible sex offenses, and disclosures to parents of "the student's violation of any Federal, State, or local law, or any policy of the institution, governing the use or possession of alcohol or a controlled substance" if certain conditions apply. At the present time SUNY Geneseo, in keeping with our philosophy, has decided not to make public the identities of individuals suspended or dismissed for any crime of violence or non-forcible sex offenses specified in the law, nor will it notify parents of students under the age of 21 when the institution determines that the student has committed a disciplinary violation of Geneseo's Alcohol and Illicit Drug Policy.

The position of the College on the issues of sharing information with parents is rooted in a large body of research on the personal development of traditional college-aged students. Given the caliber of the students who attend Geneseo, this position has been found to be effective in promoting student responsibility in a manner that is consistent with the mission of the College. The College recognizes the magnitude of its responsibility inherent in the education of young adults and in safeguarding the health and well-being of its student body, and strives at all times to fulfill these responsibilities in the best interests of its students and their parents.

For more information on records maintained by the College, please refer to the Student Records Policy contained in Geneseo Update, or available on-line in the Geneseo Student Handbook at <http://handbook.geneseo.edu>.

*Portions of this document were taken from Synfax Weekly Report, July 2, 2001, pp. 2021-2023.