

UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK

December 1, 2005

SUPERINTENDENT'S INSTRUCTION 2005-15

SUBJECT: Statement of Student Rights under the Family Educational Rights and Privacy Act (FERPA)

PURPOSE: To promulgate the statement of student rights required by the Family Educational Rights and Privacy Act of 1974, as amended (FERPA). This statement will be published annually to the student body.

BACKGROUND: FERPA generally prohibits disclosure of information contained in a student's educational records without the prior written consent of the student. However, FERPA provides for certain exceptions by party and by circumstance. It requires that a statement of student rights and these exceptions be published to the student body annually.

The statement is as follows:

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

1. **The right to inspect and review the student's education records within 45 days of the day the Academy receives a written request for access.**

To inspect his or her transcript or any other academic record a student should submit to the Office of the Registrar a **written** request identifying the record he or she wishes to inspect. The Office of the Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected.

To inspect non-academic records including conduct records the student should submit a **written** request to the Office of the Commandant of Midshipman identifying the record that he/she wishes to inspect.

Students are not permitted to inspect financial information provided by their parents or letters of recommendation placed in their record after January 1, 1975 to which the student has waived his or her rights to inspect or review and that are related to the student's admission, application for employment or job placement or receipt of honors.

Students may be issued on their request a copy of their transcript without charge. Copies of other records will also be provided and a modest charge may be required.

2. **The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.**

A student may ask the Academy to amend a record that he/she believes is inaccurate or misleading. The student should write to the Registrar or to the Commandant, as appropriate, clearly identifying

the part of the record he or she wants changed and stating specifically why it is inaccurate or misleading. If the Academy decides not to amend the record as requested by the student, the Academy will notify the student of the decision and advise the student of his or her 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.

3. The right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent.

One of the major exceptions which permit disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the Academy in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the Academy has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Visitors, the Advisory Board or the Board of Trustees; a student serving on an official committee, such as on an Honor Board, or assisting another school official in performing his or her tasks. School officials also include the Administrator of the U. S. Maritime Administration and officials within the Maritime Administration authorized by the Administrator to assist with student compliance with their service obligation contracts. An Academy official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A list of Academy officials having access to student records is available from the Office of the Registrar.

Upon the request of officials of another school in which a student seeks or intends to enroll, the Academy may disclose educational records without the student's consent.

Federal law also permits student records to be disclosed without prior written consent to the following parties, or in the following circumstances:

Accrediting organizations in order to carry out accrediting functions

Organizations conducting certain studies for or on behalf of the Academy

Appropriate parties in connection with financial aid to a student in order to determine eligibility, amount or conditions of financial aid, or to enforce the terms and conditions of aid;

Parents when a student is under 18 or over 18 but still a dependent as defined by Section 152 of the Internal Revenue Code;

Certain government officials of the U. S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with an audit, authorized representatives of the U. S. Attorney General for law enforcement purposes or state or federally supported education programs

Individuals who have obtained a judicial order or lawfully issued subpoena

School officials who have a need to know concerning disciplinary action taken against a student

Appropriate parties in the event of health and safety emergencies when necessary to protect the health and safety of the student or others

State and local authorities within the juvenile justice system to whom information is specifically required to be reported or disclosed pursuant to specific state laws adopted prior to November 19, 1974;

The victim of a crime of violence or a non-forcible sex offence is entitled to know the results of a disciplinary proceeding related to that crime;

The parent or legal guardian of a student under the age of 21, is entitled to information regarding any violation of Academy policy or state, federal or local law, governing the use or possession of alcohol or a controlled substance

Those requesting directory information on a student provided the student has not requested his or her information be withheld

Any other condition or individual not named here but for a legitimate purpose within federal law.

The Academy keeps a record of disclosures made to third parties without the student's prior consent except those to other Academy officials, including the Administrator of the U. S. Maritime Administration and his authorized representatives. Such records are part of a student's education record and are available for the inspection of the student concerned.

Except for the disclosures of directory information (see below), the Academy will inform a party to whom a disclosure of personally identifiable information from the records of a student is made that disclosure is made only on the condition that the party will not disclose the information to any other party without the student's prior written consent.

4. **The right to file a complaint with U.S. Department of Education concerning alleged failures by the Academy to comply with the requirements of FERPA.**

Such complaints should be directed to the Family Policy Compliance Office at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605

DIRECTORY INFORMATION. The Academy, at its discretion, may provide the following directory information: student's name, home address, home telephone number, campus telephone number, home electronic mail address, campus electronic mail address, photograph, date and place of birth, major field of study, current class schedule, dates of attendance, class year, enrollment status (e.g. full-time at the Academy, full-time Sea Year, Leave of Absence or deferred graduate), participation in officially

recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, the most recent educational institution attended. A student who wishes the Academy to withhold Directory Information must notify the Registrar in writing within ten days after the first day of class each term.

Original signed

JOSEPH D. STEWART
Vice Admiral, USMS
Superintendent