

## Notification of Rights under FERPA

In accordance with the provisions of section 438 of the General Education Provisions Act 20 USC 1232g - Family Educational Rights and Privacy Act (FERPA) commonly referred to as the "Buckley Amendment," Nyack College/Alliance Theological Seminary has adopted the following regulation to protect the privacy rights of its students, and to provide students access to their educational records. Upon enrollment each institution shall provide to each student a separate, clear, and conspicuous written notice that advises the student of the penalties for drug violations.

### I. Educational Record

The student's primary educational record is located in the Registrar's Office. Items in the educational record include: academic records, admission/application materials, and testing data. Other offices maintain student records pertinent to their respective concerns.

### II. Inspection and Review of Records

- A. A student may inspect and review his/her educational records upon written request to the Registrar. The request should identify the record(s) the student wishes to inspect. The Registrar will comply within 45 days with notification of the time and place the record(s) may be reviewed.
- B. A student has a right to review all documents contained in his/her record except:
  1. evaluations and recommendations, if the student has waived his/her rights to see them.
  2. parental financial records and statements.
  3. documents classified by law as "non-educational."

### III. Charge for Producing Records

There will be a charge of \$1.00 per sheet for reproducing records up to a maximum of \$10.00 for any single request. The College reserves the right to deny copies of an educational record to a student whose financial account is in arrears.

### IV. Challenge of Record

Students who, after reviewing their record, desire to formally challenge information therein, may request that the record be amended. This request must be submitted to the Registrar in writing, and should identify the part of the record the student wants changed, and the reasons for doing so. The Registrar will respond in writing with a decision. If the request is denied, the student may request a formal hearing to be conducted by a committee appointed by the Provost/Vice President of Academic Affairs. The Provost/VPAA will notify the student of the committee's decision. All records of these appeals will be kept in the Registrar's Office.

### V. Disclosure of Information From Educational Records

The Registrar's Office will not disclose any personally identifiable information from the student's educational record without the student's written consent, except to the following people or for the following purposes:

1. To parents or guardians of students.
  - a. If a student is claimed as a dependent by either parent/guardian for tax purposes, then either parent/guardian may have access under this provision (34 CFR ¶ 99.31(a)(8)). Neither the age of the student nor the parent's status as a custodial parent is relevant. Nyack will assume that a student not enrolled in the Bachelor Degree Completion or a graduate degree program is financially dependent unless the student submits written notification to the Office of the Registrar within 30 days of the start of each term that he or she is financially independent. The form "Notification of Emancipation Status" is available in the Registrar's Office.
  - b. In the event of serious health concerns such as illness, injury or hospitalization.
  - c. If a student is under the age of 21, Nyack may elect to notify parents/guardians for disciplinary violations related to alcohol or controlled substances, or when a student is suspended or expelled. In disciplinary matters, parents are notified only after students are determined to be responsible for a violation of Nyack rules or standards. In all matters, the context of individual circumstances is considered when deciding whether to contact parents. When possible, students will be given the opportunity and encouraged to discuss the situation with their parents prior to the institution's notification (¶ 99.31 (a)15 of the FERPA regulations).
2. To school officials with legitimate educational interests in the information. A school official is a person employed by the institution 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 institution has contracted as its agent to provide a service instead of using institutional employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility.
3. To officials of another institution in which the student is current enrolled or seeks to enroll.
4. To any agency to which the student has applied or from which he/she has received financial aid, or which had made decisions concerning eligibility, amount, condition, or enforcement of the terms of financial aid.
5. To certain educational agencies and institutions as permitted by law.
6. To comply with a judicial order or subpoena.
7. To protect the health or safety of the student or others in an emergency situation.

Nyack may also disclose, without consent, directory information. Directory information is information that is generally not considered harmful or an invasion of privacy if released. Its primary purpose is to allow Nyack to include this type of information in certain school publications, such as a playbill, yearbook, graduation program, sports activity sheets, etc. Such information includes: the student's name; address; telephone numbers; e-mail address; date and place of birth; major field of study; dates of attendance; full or part time status; class schedule; photographs; degrees, honors and awards received; school sports or student activities; weight & height of athletic team members; most recent educational institutions attended; and other similar information. Any student who does not want directory information released must give written notification of such to the Office of the Registrar within 30 days of the start of each semester. The form "Non-Disclosure of Directory Information" is available in the Registrar's Office.

### VI. Right to File a Complaint

Students who believe that Nyack/ATS is not in compliance with FERPA regulations may file a complaint with the U.S. Department of Education.  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

## Notification of Rights under FERPA

As part of FERPA compliance, it is mandated that upon enrollment each institution shall provide to each student a separate, clear, and conspicuous written notice that advises the student of the penalties for drug violations.

Nyack College's Policy on penalty for drug use is as follows:

### ALCOHOL AND OTHER DRUGS

Because we seek to create an environment that nurtures the spiritual, social, and intellectual growth of young adults, as well as supports the physical and emotional well-being of each member of our community, Nyack College is an alcohol-, illegal drugs-, and tobacco-free campus.

In accordance with this policy:

- Students may not consume or possess alcoholic beverages, on or off campus, regardless of age. Possession of alcohol containers will be considered a violation of this policy. Any evidence of alcohol consumption (e.g., breath that smells of alcohol, disruptive, destructive, hazardous, or offensive behavior that can be linked to the consumption of alcohol) will also be considered a violation of this policy.
- Students may not be in the company of others who are drinking alcohol, using a controlled substance, or displaying alcohol containers or drug-related paraphernalia.
- Alcoholic beverage containers, posters, and other items advertising alcoholic beverages are not permitted anywhere on campus or in conjunction with any activity associated with the College.
- Students cannot for any reason obtain, manufacture, distribute, dispense, possess, or use any controlled substance (a drug or chemical whose manufacture, possession and use are regulated by the government) or drug-related paraphernalia. This includes use or possession of prescription medication by anyone other than for whom the prescription is written. Anyone involved in the sale or distribution of drugs on or off campus may be dismissed immediately and will be referred to local law-enforcement officials.
- Students may not use any substance, even legally obtained, for the express purpose of "getting high." This policy includes, but is not limited to, the psychotropic use of cough medicine (DXM), inhalants, and herbs.
- The possession or presence of any amount of a controlled substance is prohibited. This includes but is not limited to, the presence of marijuana smoke or odor, small "roaches," or residue found in baggies, pipes, or other paraphernalia. The possession or presence of marijuana or other controlled substance, including but not limited to paraphernalia such as baggies, pipes, or "bongs", may result, minimally, in suspension.
- Operating a motor vehicle, on or off campus, while under the influence of alcohol or a controlled substance is a serious threat to oneself and the community and may result in immediate suspension, expulsion, or dismissal. Anyone who injures another person as a result of driving under the influence may be permanently dismissed.
- Hosting or in any way assisting or promoting a gathering (on or off campus) that includes drinking or drunkenness may result in suspension. Those living at the location where the party is held may be held responsible as hosts regardless of who provides the alcohol.
- Any student who encourages another to consume alcoholic beverage or use any substance as a means to induce that individual to engage in behavior that would otherwise be against that person's will is subject to dismissal.
- Any student who sexually assaults or attempts to sexually assault another person who is intoxicated is subject to immediate dismissal.
- The use or possession of tobacco in any form is prohibited by Nyack College Administration on campus as well as within the village of Nyack and the surrounding communities. This includes smoking, chewing tobacco, dipping snuff, openly displaying tobacco, and advertising tobacco products in any form. Possession means having the substances or being in the presence of other Nyack College students who are in possession of these substances. This includes, but is not limited to, residences, vehicles, or in another location on or off campus.

It is expected that while students are enrolled in course work, including breaks during the academic year (e.g., Christmas break, Spring Break), they will be in compliance with the Alcohol and Other Drugs policy.

Exceptions

Of-age students may responsibly consume alcohol:

- When they are with their parents or guardians.
- When the occasion is consistent with celebrations, rituals, or religious traditions (i.e., toasting at weddings, taking communion) associated with family or a host family.

This policy can be found in the Student Handbook.

### **FERPA FAQ's**

1. **What is FERPA?** Family Educational Rights and Privacy Act; also known as "Buckley Amendment".
2. **What is the purpose FERPA?** to protect the student's right to privacy and to provide access to educational records.
3. **How is it beneficial to my family?** for students, it lets you manage your records and who has access to them. For parents or family members granted access, it provides a means to protect your student while getting information you need.
4. **How is FERPA handled at Nyack?** As you go through the Financial Aid process, you allow or deny access to FERPA-related financial, academic, and student life information.
5. **What information is considered private?** Directory information is rather generic and not private, like your major (you can look on the back of the form for a full list), whereas private information is more specific, like a social security number. Directory information is shared on a regular basis as needed, but protected information is held sacred.
6. **So how does a parent get information?** There is a two-step process in getting information. First, the student must specify and approve the release of information. Second, it must be requested in writing. Once this happens, then Nyack will verify the FERPA policy for the student, and release the appropriate information.
7. **Why does it matter?** There are many times where a student may want or not want to share information. Here are a few examples; a parent paying the bill needs access to the financial information. There are other times where you may want to limit access. Sometimes there are legal matters or other family strains where you feel more safe with limits on who can see your information.
8. **So what should we do?** If possible, talk together about your policy. It's always best if you are on the same page, so that Nyack College can support you and your needs in regards to FERPA.
9. **Further Questions?** Agnes.McGarrigle@nyack.edu