

# FERPA

FAMILY EDUCATIONAL RIGHTS AND  
PRIVACY ACT OF 1974



THE LONG ISLAND BUSINESS INSTITUTE  
STUDENT FERPA POLICY & NOTIFICATION OF  
RIGHTS UNDER FERPA



**LIBI** LONG ISLAND  
BUSINESS INSTITUTE

## ANNUAL NOTIFICATION 2022

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The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student educational records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's educational records. However, these rights transfer to the student when the student reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Any matriculated student at Long Island Business Institute is an "eligible student," and information may not be shared with anyone other than the student without the express written consent of the student. Verbal consent is permitted when the student is present (i.e., in a meeting with a student and his/her parents).

## EDUCATIONAL RECORDS

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These procedures apply to any educational record (in handwriting, print, tapes, film, electronic or other media) maintained by LIBI regardless of its date of origin which is directly related to a student. The following are NOT classified as educational records under FERPA:

- Records kept by Faculty, staff, administrative or auxiliary personnel for their own use as memory aids or reference tools if kept in the personal possession of the person who made them and the record has not been made available to any other person except the maker's temporary substitute. These personal notes are to be referred to in departmental and administrative records policies as "sole possession" records. Records that contain information taken directly from a student or that are used to make decisions about the student are not sole possession records.
- An employment-related record which does NOT result from student status.
- Parents' confidential financial statements, income tax records, and reports received by the College.
- Alumni records which contain only information about a student after he or she is no longer attending LIBI and do not relate to the person as a student.

## LOCATION OF STUDENT RECORDS

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All educational records are kept by the Registrar at each location (Flushing, Commack and Manhattan).

FLUSHING MAIN CAMPUS	COMMACK CAMPUS	NYC EXTENSION CENTER
136-18 39 <sup>th</sup> Avenue, 5 <sup>th</sup> Floor Flushing, NY 11354 718-939-5100	6500 Jericho Turnpike, Suite 202 Commack, NY 11725 631-499-7100	232 W. 40 <sup>th</sup> Street, 9 <sup>th</sup> Floor New York, NY 10018 212-226-7300

Former students of Professional Business College can request their official transcripts from the Registrar's Office of the NYC Extension Center. Long Island Business Institute serves as the custodian of educational records for Professional Business College.

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

**01. The right to inspect and review** the student's education records maintained by the institution within 45 days of the day the College receives a request for access. A student should submit a written request to the Registrar that identifies the record(s) the student wishes to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records the student is requesting are not maintained by the office of the Registrar, the Registrar shall advise the student of the correct official to whom the request should be addressed.

Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for the student to review the records. Schools may charge a fee for copies.

A school is not generally required by FERPA to provide an eligible student with access to academic calendars, course syllabi, or general notices such as announcements of specific events or extra-curricular activities. That type of information is not generally directly related to an individual student and, therefore, does not meet the definition of an education record.

Under FERPA, a school is not required to provide information that is not maintained or to create education records in response to an eligible student's request. Accordingly, a school is not required to provide an eligible student with updates on his or her progress in a course (including grade reports) or in school unless such information already exists in the form of an education record.

## PROCEDURE FOR INSPECTING EDUCATIONAL RECORDS

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These procedures, in compliance with the Family Educational Rights and Privacy Act (*FERPA*), govern access to student educational records and identify the procedures students may follow to obtain or restrict access to their educational records. These procedures are also designed to be in compliance with the Solomon Amendment which governs the rights of the military services to obtain student recruiting information. Individual academic departments and administrative areas may prepare their own policies and procedures consistent with these comprehensive College procedures.

The Registrar is responsible for the College's compliance with FERPA. FERPA applies to the records of students who are both admitted and enrolled or who have previously attended the college. The rights of the student are effective on the first day of the semester/term. They do not apply to applicants and prospective students who are not enrolled and have not begun attendance. They also do not apply to alumni records (records of a student after the date of graduation).

LIBI will make a reasonable effort to provide eligible students the rights granted by the Act. On presentation of appropriate identification and under circumstances that prevent alteration or mutilation of records, a student with proper identification will be permitted to inspect all educational records not restricted by a pledge of confidentiality or considered to be private records of College personnel.

- 1) Students wishing to inspect and review their educational records must submit a request in writing to the Registrar's Office.
- 2) The request will be reviewed by the Registrar and a letter will be sent (within 45 days) to the student informing him/her of the date when the educational records will be available for review.
- 3) All review of records will be done on school premises and in the presence of the Registrar or a Senior College Administrator.
- 4) The student will not be allowed to take or change any existing documents. The student may request an amendment to their educational record through the Registrar's Office.
- 5) If the request is denied, the student may request a hearing.

## §99.12 WHAT LIMITATIONS EXIST ON THE RIGHT TO INSPECT AND REVIEW RECORDS?

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- (a) If the educational records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.
- (b) A postsecondary institution does not have to permit a student to inspect and review educational records that are:
  - (1) Financial records, including any information those records contain, of his/her parents;
  - (2) Confidential letters and confidential statements of recommendation placed in the educational records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and
  - (3) Confidential letters and confidential statements of recommendation placed in the student's educational records after January 1, 1975, if:
    - (i) The student has waived his or her right to inspect and review those letters and statements; and
    - (ii) Those letters and statements are related to the student's:
      - (A) Admission to an educational institution;
      - (B) Application for employment; or
      - (C) Receipt of an honor or honorary recognition.
- (c) (1) A waiver under paragraph (b)(3)(i) of this section is valid only if:
  - (i) The educational agency or institution does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and
  - (ii) The waiver is made in writing and signed by the student, regardless of age.
- (2) If a student has waived his or her rights under paragraph (b)(3)(i) of this section, the educational institution shall:
  - (i) Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and
  - (ii) Use the letters and statements of recommendation only for the purpose for which they were intended.

- (3) (i) A waiver under paragraph (b)(3)(i) of this section may be revoked with respect to any actions occurring after the revocation.
- (ii) A revocation under paragraph (c)(3)(i) of this section must be in writing.

(Authority: 20 U.S.C. 1232g(a)(1) (A), (B), (C), and (D))  
[53 FR 11943, Apr. 11, 1988, as amended at 61 FR 59296, Nov. 21, 1996]

## RIGHT OF THE COLLEGE TO REFUSE ACCESS

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The following records are not available for review by students:

- The financial statements and tax returns of the student's parents.
- Letters and statements of recommendation to which the student has waived the right of access, or which were placed in the student's file before January 1, 1975.
- Records connected with an application to attend LIBI or a component unit of LIBI if that application was denied.
- Any records which are not educational records as defined by FERPA or these procedures and which are not otherwise accessible pursuant to law.

## CONDITIONS UNDER WHICH LIBI WILL NOT PROVIDE AN OFFICIAL TRANSCRIPT

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Please note that LIBI will not withhold unofficial or official transcripts for outstanding bursar balances. The college may, however, place a hold on a student's account for other administrative reasons, such as failure to complete a Loan Exit Interview, failure to document completion of the Adult Education Units AEU's, and other similar administrative obligations. Such holds may impact the student's/alumni's ability to obtain an official transcript. All questions regarding this should be directed to the Registrar staff.

## TRANSCRIPT NOTATIONS

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### NEW YORK STATE'S "ENOUGH IS ENOUGH" LEGISLATION

Effective October 5, 2015, New York State Legislation Article 129-B requires that, based on selected student conduct findings, all colleges and universities add notations to student transcripts. Through LIBI's student conduct process, students found responsible for crimes of violence, including but not limited to sexual violence, will have the following transcript notations added:

- **Suspension Notation:** Suspended after the finding of responsibility for a code of conduct violation.
- **Expulsion Notation:** Expelled after the finding of responsibility for a code of conduct violation.
- **Notation if student withdraws from LIBI while the investigation of the complaint is pending:** Withdrew with conduct charges pending.

Those seeking the removal of a transcript notation for a suspension must submit a written appeal to the Provost and a written notification to the Registrar. All such appeals will be reviewed by the Provost and members of the Transcript Appeals Committee (comprised of the Registrar, a member of the Faculty Governance Council, and other college administrators as deemed appropriate). Suspension notations will not be removed prior to one year after the conclusion of the suspension. Expulsion notations are permanent.

If a finding of responsibility is vacated, for any reason, any related transcript notations will be removed.

#### Transcript Notations:

*Significantly, Article 129-B mandates that higher education institutions include notations on the transcripts of students found responsible through the institution's conduct process for crimes of violence, including, but not limited to, sexual violence, as set forth in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII) of the Clery Act. Such transcript notations must state "suspended after the finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation," as applicable. Should the student withdraw from the higher education institution while the investigation of the complaint is pending, his or her transcript must note "withdrew with conduct charges pending." Higher education institutions must have in place written policies regarding such transcript notations, which, at a minimum, provide an appeals process for students seeking removal of such notations in accordance with Article 129-B.*

## COPIES OF RECORDS

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Long Island Business Institute is under no obligation to provide students, former students, and graduates with their educational records, although they can follow the procedures stated on the previous page to make a request to inspect their records with the presence of a LIBI staff member. LIBI will consider request of copies if a student can reasonably prove that due to student's place of residence or other mitigating circumstances, student cannot inspect or review his/her educational record in person. The student will be responsible for the handling fee for copies (\$1.00 per page) and any applicable postage fees. Students should submit requests in writing to the Registrar at the campus or location of attendance. All fees should be submitted before the copies will be mailed to the student.

- **02. The right to request that the school corrects** or amends educational records which the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask LIBI to amend his/her educational record must make the request in writing to the Registrar. The request should clearly identify the part of the record the student wishes to change, and specify why it should be changed. If LIBI decides not to amend a record in accordance with the eligible student's request, LIBI must inform the student of his or her right to a hearing on the matter. If, as a result of the hearing, LIBI still decides not to amend the record, the eligible student has the right to insert a statement in the record setting forth his or her views. That statement must remain with the contested part of the eligible student's record for as long as the record is maintained. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

However, while the *FERPA amendment procedure* may be used to challenge facts that are inaccurately recorded, *it may not be used to challenge a grade, an opinion, or a substantive decision made by a school about an eligible student*. FERPA was intended to require only that schools conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations. Thus, while FERPA affords eligible students the right to seek to amend education records which contain inaccurate information, this right cannot be used to challenge a grade or an individual's opinion, or a substantive decision made by a school about a student. Additionally, if FERPA's amendment procedures are not applicable to an eligible student's request for amendment of education records, the school is not required under FERPA to hold a hearing on the matter.

## CORRECTION OF EDUCATIONAL RECORDS

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Students have the right to ask to have educational records corrected that are inaccurate, misleading, or maintained in violation of their privacy or other rights. In cases of alleged academic dishonesty or of an unfair or mistaken evaluation, the students must pursue redress under the Grade Grievance Policy as published in the college catalog. In cases of other non-academic, extenuating circumstances or emergencies potentially affecting a student's educational records, students must pursue redress through LIBI's Exceptions Committee (formerly known as the Committee for Academic Standard Exceptions). In all other cases of challenge to the content of a student's educational records, not otherwise governed by established College policy, these procedures will apply. Under these procedures, the process must be initiated within one year from the semester or term in question. The following are the applicable procedures:

- A student must file a written request with the Registrar at the applicable LIBI campus or location to amend the record. The request should identify the part of the record requested to be changed and specify why the student believes it to be inaccurate, misleading or in violation of the student's privacy or other rights.
- A Senior College Administrator of the College area maintaining the records shall promptly review the facts and seek to resolve the complaint by informal discussions with the student.
- If the Senior College Administrator decides not to comply with the request, LIBI will notify the student in writing.
- A student who disagrees with the decision has a right to appeal the case believed to be inaccurate, misleading, or in violation of the student's rights. Upon written request to the Registrar, the student will be referred to the Exceptions Committee. The committee will prepare a written decision based on the evidence presented and/or considered at the hearing. The decision will include a summary of the evidence and the reasons for the decision. The committee will strive to ascertain the truth and to make determinations that are reasonably supported by the evidence. Note: this examination is an administrative proceeding and no attempt shall be made to apply the formal rules of evidence applicable in judicial proceedings. In general, any evidence, whether oral testimony or documentary, which is considered by the committee to be relevant should be received subject to the discretion of the committee to exclude frivolous, repetitive, or merely cumulative testimony.

- If the committee finds that the information is not inaccurate, misleading, or in violation of the student's right of privacy or other rights, the record will be maintained; but the student will be notified of the right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's educational records as long as the contested portion is maintained. If LIBI discloses the contested portion of the record, it will also disclose the statement. If the committee decides that the information is inaccurate, misleading, or in violation of the student's right of privacy or other rights, it will amend the record and notify the student in writing that the record has been amended.
- Generally, LIBI will follow the procedural guidelines as outlined above. However, the procedures set forth above are merely guidelines and are not intended to create any contractual obligations or expectations. LIBI has the right, at its reasonable discretion, to vary these procedures according to the circumstances of individual matters, provided that the student is not significantly prejudiced.

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which student educational 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. Comptroller General, 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 the student's 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 student educational records and PII without student's consent to researchers 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 the student's PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without the student's consent PII from your educational records, and they may track student's participation in education and other programs by linking such PII to student's other personal information 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.

Under certain conditions, the new FERPA regulations allows education agencies or institutions with student PII to designate an authorized representative to receive PII in order to audit or evaluate

- 1) publicly supported education programs or
- 2) the federal legal compliance of these programs. The authorized representative can be another government agency that is given access to PII that would not otherwise have access.

Another exception permits a school to disclose personally identifiable information from education records without consent when the disclosure is to the parents of a “dependent student” as that term is defined in Section 152 of the Internal Revenue Code. Generally, if either parent has claimed the student as a dependent on the parent’s most recent year’s income tax statement, the school may non-consensually disclose the eligible student’s education records to both parents under this exception.

FERPA also permits a school to disclose personally identifiable information from education records without consent when the disclosure is to the parents of a student at a postsecondary institution regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance. The school may non-consensually disclose information under this exception if the school determines that the student has committed a disciplinary violation with respect to that use or possession and the student is under 21 years of age at the time of the disclosure to the parent.

For additional information about FERPA, please see the Registrar. If students allege that LIBI has failed to comply with requirements of FERPA, they may file a complaint with the office that administers FERPA by calling 202.260.3887 or writing to the:

**Family Policy Compliance Office**

**U.S. Department of Education**

400 Maryland Avenue, S.W.

Washington, D.C. 20202-5920

[www.ed.gov/fpc](http://www.ed.gov/fpc)

<http://www2.ed.gov/policy/gen/guid/fpc/index.html>

**03. The right to provide written consent before LIBI discloses personally identifiable information** from the student’s education records, except to the extent that FERPA authorizes disclosure without consent. Generally, schools must have written permission from the student in order to release any information from a student’s education record.

## **DISCLOSURE OF STUDENT’S EDUCATIONAL RECORDS**

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LIBI will disclose student educational records to a third party with written consent from the student. This written consent must:

- specify the records to be released;
- state the purpose of the disclosure;
- identify the party or class of parties to whom disclosure may be made; and
- be signed and dated by the student.

## **RECORD OF REQUEST FOR DISCLOSURE**

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The Registrar will maintain a record of all requests for and disclosures of information from a student’s educational records made by anyone other than a school official or the student. The record will indicate the name of the party making the request and the reason for the release. The record of the request for disclosure may be reviewed by an eligible student. Redisclosure of educational records by a third party is prohibited.

### **HOWEVER, FERPA ALLOWS SCHOOLS TO DISCLOSE THOSE RECORDS, WITHOUT CONSENT, TO THE FOLLOWING PARTIES OR UNDER THE FOLLOWING CONDITIONS:**

- school officials with legitimate educational interest; A “school official” is any person employed by the College in an administrative, supervisory, academic, research, or support staff position (including student workers); a person or a company with whom the College has contracted (such as an attorney, auditor, or collection agent); or a person assisting another school official in performing his or her tasks. Access to student records is established based on “legitimate educational interest”. The official will be granted access to student records if he/she needs to know and utilize specific information from those educational records in order to fulfill his or her professional responsibility. Only information relevant to that particular and expressed need will be disclosed to the educational official. Legitimate educational interest does not provide access to all of a student’s records but only to those records for which the specific need to know exists;

- other schools to which a student is transferring;
- specified officials for audit or evaluation purposes;
- appropriate parties in connection with financial aid to a student;
- organizations conducting certain studies for or on behalf of the school;
- accrediting organizations;
- to comply with a judicial order or lawfully issued subpoena;
- a victim of an alleged violent crime or a non-forcible sex offense, but limited to the final results of the postsecondary education disciplinary proceeding;
- a parent of a student under age 21 at an institution of postsecondary education when it concerns the student's violation of any law, rule, or policy of the institution governing the use or possession of alcohol or a controlled substance;
- officials maintaining the records of a sex offender and other offenders required to register under federal Violent Crime Control and Law Enforcement Act of 1994;
- schools are allowed to make necessary disclosures without obtaining prior written consent in order to address emergencies, and
- state and local authorities, within a juvenile justice system, pursuant to specific state law;
- to comply with the Patriot Act, LIBI can disclose - without the consent or knowledge of the student or parent - personally identifiable information from the student's educational records to the Attorney General of the United States or to his designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in Sections 2332b (g) (5) (B) and 2331 of Title 18, U.S. Code. An ex parte order is an order issued by a court of competent jurisdiction without notice to an adverse party.

Student information may be shared among employees at Long Island Business Institute, as long as there is a legitimate need to do so. Information may not be shared with students' parents or family members; unless the student has given express written or verbal (only when the student is present) consent to do so. It is always preferable that the student be present when information is shared in order to ensure that consent is given voluntarily.

FERPA's health or safety emergency provision permits such disclosures, without the consent of the parent or eligible student, if necessary to protect the health or safety of the student or other individuals. See 34 CFR §§ 99.31(a)(10) and 99.36. This exception to FERPA's general consent requirement is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student's educational re-

ords. Typically, law enforcement officials, public health officials, trained medical personnel, and parents (including parents of an eligible student) are the types of appropriate parties to whom information may be disclosed under this FERPA exception.

Most disclosures under FERPA are permissive, rather than mandatory, meaning that institutions choose when to share education records, including medical records without consent under the exceptions set forth in 20 U.S.C. §§ 1232g(b)(1)(A)-(I), (K), and (L), (b)(5), (b)(6), and (i). When institutions decide to disclose PII from education records, including medical records, without consent, those institutions must always take care to consider the impact of such sharing, and to only disclose the minimum amount of PII necessary for the intended purpose. When making these decisions involving student medical records, the Department recommends that institutions give great weight to the reasonable expectations of students that the records generally will not be shared, or will be shared only in the rarest of circumstances, and only to further important purposes, such as assuring campus safety. Failure to meet those expectations could deter students from taking advantage of critical campus resources, and could undermine the integrity of the patient-doctor provider relationship as well as trust between students and the institution.

Further, the FERPA regulations generally do not require consent (or a court order or subpoena) before an institution may disclose to a court those records that are "relevant for the education agency or institution to" proceed with a legal action against the student or defend itself from a legal action by the student. 34 C.F.R. § 99.31 (a)(9)(iii). These regulations reflect the practical consideration that an institution should not normally be required to subpoena or obtain a court order to produce records it already possesses in these instances. When education records, including medical records or counseling records are involved, however, this general rule should be read in light of the special sensitivity of those types of records.

As with the legitimate educational interest determination, an institution should use the litigation exception only if the lawsuit relates directly to the medical treatment or the payment for such treatment.

When using the litigation exception, institutions must also take care when disclosing a student's medical records to a court to limit disclosures to only those records that are, in fact, relevant and necessary to the litigation (i.e., the medical treatment or payment for such treatment).

In the case that a sexual offense occurs on campus, LIBI under 34 CFR § 668.46(b)(11)(vi) (B), will inform the accuser and the accused of the outcome of any disciplinary proceedings brought alleging a sex offense. For the purposes of this requirement, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.



This requirement under the Higher Education Act (HEA) goes further than FERPA in not only permitting but requiring that the outcome of institutional disciplinary proceedings regarding an alleged sex offense must be disclosed to the accuser, regardless of whether the institution concluded that a violation was committed. Because postsecondary institutions under FERPA are permitted to disclose disciplinary records in certain circumstances such as these, compliance with this HEA requirement does not constitute a violation of FERPA.

## DIRECTORY INFORMATION

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LIBI may disclose, without consent, directory information of students. "Directory information" is defined as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes student's name, address, e-mail address, telephone listing, photograph, date and place of birth, major field of study, participation in officially recognized activities, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended, course placement level, enrollment status, full-time or part-time, matriculated or non-matriculated. Dates of attendance refer to the period of the enrollment, but not daily attendance. Student may request in writing to the Registrar of the campus they are enrolled at that the school not disclose directory information. They may also waive any directory information restrictions in writing to the Registrar. The request must be renewed annually in order to remain in effect.

## STUDENTS ARE ENCOURAGED TO SELECT A PIN THROUGH THE REGISTRAR'S OFFICE WHICH WILL BE UTILIZED TO VERIFY THEIR IDENTITY AS AN ADDITIONAL PRECAUTION TO PROTECT THEIR RIGHTS UNDER FERPA.

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**"Except as limited under §99.12 (limitations explained below), a parent or eligible student must be given the opportunity to inspect and review the student's educational records."**

Long Island Business Institute values the role of parents as partners in the education of our students. LIBI's general philosophy is to encourage communication between students and their parents/families about the students' experiences at LIBI. To that end, LIBI may notify parents of dependent students\* when the college has knowledge of situations adversely affecting that student. Such situations include academic deficiency (warning, probation, and dismissal) and those exceptions permitted under FERPA regarding alcohol and illegal drug policy violations.\*\*

Accordingly, parents of dependent students should address questions about their student directly to the Registrar.

\* *Another exception permits a school to disclose personally identifiable information from education records without consent when the disclosure is to the parents of a "dependent student" as that term is defined in Section 152 of the Internal Revenue Code. Generally, if either parent has claimed the student as a dependent on the parent's most recent year's income tax statement, the school may non-consensually disclose the eligible student's education records to both parents under this exception.*

\*\* *FERPA also permits a school to disclose personally identifiable information from education records without consent when the disclosure is to the parents of a student at a postsecondary institution regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance. The school may non-consensually disclose information under this exception if the school determines that the student has committed a disciplinary violation with respect to that use or possession and the student is under 21 years of age at the time of the disclosure to the parent.*

Before attending their first class at LIBI all students must complete a form certifying their status for federal tax purposes. All students who are not considered dependent under federal tax regulations must provide the Registrar with a written consent to the disclosure of personally identifiable information to his/her parent(s) if they want to allow their parents to have

access to their educational records. Students wishing to allow their spouses, or other third parties, access to their educational records or personally identifiable information must also provide the Registrar with a written consent form. The student is responsible for updating this form with the Registrar's office to reflect any changes in the student's tax dependency or the student's consent to the disclosure of personally identifiable information. LIBI has the right to rely on the student's initial certification and/or consent to the disclosure of personally identifiable information unless the student has submitted an updated form to the Registrar. *This form is available at the Admissions department for students to complete before they begin their first class at LIBI. For any current students who wish to complete or update this form, they can contact the Registrar's Office.*

FERPA generally prohibits the improper disclosure of personally identifiable information derived from education records. Thus, information that an official obtained through personal knowledge or observation, or has heard orally from others, is not protected under FERPA. This remains applicable even if education records exist which contain that information, unless the official had an official role in making a determination that generated a protected education record.

**04. The right to elect to opt out** of the release of a student's directory information. The College may release directory information without the student's written consent. However, an eligible student may request that LIBI not disclose directory information about them by notifying the Registrar.

Another exception permits a school to non-consensually disclose personally identifiable information from a student's education records when such information has been appropriately designated as directory information. *Students may elect to "opt out" of the release of directory information—the relevant form is available at the Registrar's office. Students wishing to opt out must file their request every year while actively registered for classes at LIBI.*

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which student educational 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. Comptroller General, 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 the student's 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 student educational records and PII without student's consent to researchers performing certain types of studies, in certain cases even when the College objects to or does not re-

quest such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive the student's PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without the student's consent PII from your educational records, and they may track student's participation in education and other programs by linking such PII to student's other personal information 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.

Under certain conditions, the new FERPA regulations allows education agencies or institutions with student PII to designate an authorized representative to receive PII in order to audit or evaluate

- 1) publicly supported education programs or
- 2) the federal legal compliance of these programs. The authorized representative can be another government agency that is given access to PII that would not otherwise have access.

Another exception permits a school to disclose personally identifiable information from education records without consent when the disclosure is to the parents of a "dependent student" as that term is defined in Section 152 of the Internal Revenue Code. Generally, if either parent has claimed the student as a dependent on the parent's most recent year's income tax statement, the school may non-consensually disclose the eligible student's education records to both parents under this exception.

FERPA also permits a school to disclose personally identifiable information from education records without consent when the disclosure is to the parents of a student at a postsecondary institution regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance. The school may non-consensually disclose information under this exception if the school determines that the student has committed a disciplinary violation with respect to that use or possession and the student is under 21 years of age at the time of the disclosure to the parent.

## RESTRICTION OF AUDIO OR VISUAL RECORDING, REPRODUCTION, AND DISTRIBUTION OF CONTENT IN COURSES

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At LIBI, we protect the intellectual property of all our faculty, and safeguard the privacy of all our students in all learning environments. To protect the rights and safety of all members of our community, including copyright protection for third-party vendors who provide on-line textbooks used solely for in-class lectures, students may not record, reproduce, screenshot, photograph, or distribute any video, audio, or visual content from their courses taught in-person or remotely. This restriction includes but is not limited to the distribution of:

- Pre-recorded and live in-class lectures;
- Live discussions;
- Discussion boards and other social media sites;
- Posted course materials;
- Class and homework assignments, quizzes, tests, midterm exams, and final exams;
- Visual materials that accompany lectures/discussions, such as PowerPoint slides.

As we participate in remote learning, it is of paramount importance that all members of this college community are treated with respect. Remote learning carries additional privacy requirements so please bear in mind that if any student is identifiable in an online class recording, this may constitute a violation of the educational record protections provided under FERPA.

Class recordings are available for review only to students enrolled in the course for a given semester. Those recordings may not be shared with anyone outside of that registered course. Class recordings, including any other hard-copy course materials, may not be recorded on cell phones, video cameras, personal laptops, or reproduced in any other format.

**ADA exception:** Students with disabilities who need to record classroom lectures or discussions must contact the Accessibility Coordinator to register, request, and be approved for an accommodation. All students are advised that students approved for this form of accommodation may record classroom activities. Such recordings are to be used solely for individual or group study with other students enrolled in the class that semester. Such recordings may not be reproduced, shared in any way (including electronically or posting in any web environment) with those not in the class that semester.

Students are expected to abide by this policy or face sanctions that may be subject to both legal ramifications for violations of copyright law and disciplinary action, including permanent dismissal from the college, under the Student Code of Conduct.

## (5) THE RIGHT TO FILE A COMPLAINT WITH THE U.S. DEPARTMENT OF EDUCATION

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If students allege that LIBI has failed to comply with requirements of FERPA, they may file a complaint with the office that administers FERPA by calling 202.260.3887 or writing to the:

### FAMILY POLICY COMPLIANCE OFFICE

U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-5920  
[www.ed.gov/fpco](http://www.ed.gov/fpco)

For additional information, you may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may call 1-800-437-0833.

### (i) COMPLAINTS OF ALLEGED FAILURES TO COMPLY WITH FERPA

FERPA vests the rights it affords in the eligible student. The statute does not provide for these rights to be vested in a third party who has not suffered an alleged violation of their rights under FERPA. Thus, the Family Policy Compliance Office requires that a student have "standing," i.e., have suffered an alleged violation of his or her rights under FERPA, in order to file a complaint.

The Office may investigate those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has violated FERPA. A timely complaint is defined as one that is submitted to the Office within 180 days of the date that the complainant knew or reasonably should have known of the alleged violation of FERPA. Complaints that do not meet FERPA's threshold requirement for timeliness are not investigated. Eligible students may obtain a complaint form by calling (202) 260-3887.

### (ii) COMPLAINT REGARDING ACCESS

If an eligible student believes that LIBI has failed to comply with his or her request for access to education records, the student may complete a FERPA complaint form and

should include the following specific information: the date of the request for access to the education records; the name of the school official to whom the request was made (a dated copy of any written request to the school should be provided, if possible); the response of the school official, if any; and the specific nature of the information requested.

**(iii) COMPLAINT REGARDING AMENDMENT**

If an eligible student believes that LIBI has failed to comply with his or her request for amendment of inaccurate information in education records or failed to offer the student an opportunity for a hearing on the matter, the student may complete a FERPA complaint form and should include the following specific information: the date of the request for amendment of the education records; the name of the school official to whom the request was made (a dated copy of any written request to the school should be provided, if possible); the response of the school official, if any; the specific nature of the inaccurate information for which amendment was requested; and evidence provided to the school to support the assertion that such information is inaccurate.

**(iv) COMPLAINT REGARDING DISCLOSURE**

If an eligible student believes that LIBI has improperly disclosed personally identifiable information from his or her education records to a third party, the student may complete a FERPA complaint form and should include the following specific information: the date or approximate date the alleged disclosure occurred or the date the student learned of the disclosure; the name of the school official who made the disclosure, if that is known; the third party to whom the disclosure was made; and the specific nature of the education records disclosed.

More information about FERPA, including frequently asked questions, can be obtained by visiting [www.ed.gov/policy/gen/guid/fpco/index.html](http://www.ed.gov/policy/gen/guid/fpco/index.html).

**www.libi.edu**

**LIBI Flushing Main Campus**

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Flushing, NY 11354  
(718) 939-5100

**LIBI Long Island Campus**

6500 Jericho Turnpike  
Commack, NY 11725  
(631) 499-7100

**LIBI NYC Extension Center**

232 W 40<sup>th</sup> Street, 9<sup>th</sup> Floor  
New York, NY 10018  
(212) 226-7300