

Title: Family Educational Rights and Privacy Act  
(FERPA)

Policy  
No.: ADM 1.20

Date:  
Rev.: 6/27/08

Areas Affected: All BSMSO Faculty & Students

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### Policy Statement:

Bon Secours Memorial School of Nursing complies with the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) governing student educational records. FERPA defines educational records (or personally identifiable information contained therein) as "those records, files, documents and other materials which:

- i. contain information directly related to a student; and
- ii. are maintained by an educational agency or institution or by a person acting for such agency or institution."

20U.S.C. § 1232g (a)(4)(A)(i) and (ii)

To be in compliance with FERPA, the School must:

- ❖ Notify students of their rights annually
- ❖ Protect student's rights to inspect and review their education records
- ❖ Protect student's rights to limit disclosure of personally identifiable information contained in education records
- ❖ Ensure that third parties do not re-disclose personally identifiable information (except under a few circumstance)
- ❖ Keep records of requests for and disclosures of student education records.

(Hicks, Baker, Hawkey, Myers, & Weese, 2006, p. vii)

When a student turns 18 years old or attends a postsecondary institution at any age, the student is then defined as an *eligible student* and the rights under FERPA transfer from the parent to the eligible student. Eligible student rights covered by this Act include the right to:

- Inspect and review their education records.
- Request amendment of educational records.
- Limit disclosure of personally identifiable information (directory information) that would make the student's identity easily traceable.
- File complaints with the Department of Education concerning alleged failure to comply with this Act.

Reference Policy # \_\_\_\_\_

### Approved by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

### Approval History:

Committees and Dates:

Assistant Dean of Student Services – 6/3/08

Faculty Forum –

Faculty Organization -

Under the Family Education Rights and Privacy Act, also known as the Buckley Amendment, eligible students may, upon request, review their permanent records after making a formal written request to the Registrar's Office. Records will be made available for review according to policy and in a timely manner, not to exceed forty-five days after the request has been received.

Eligible students, hereafter referred to as students, will submit to the Registrar a written request, which identifies as precisely as possible the record or records s/he wishes to inspect. When a record contains information concerning more than one student, the requesting student may inspect and review only the records that relate to him or her.

### **Correction of Education Records**

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. For specific procedures, contact the Registrar's Office.

### **Parental Notification**

Parents of tax-dependent students may be notified when a student is placed on probation or suspension. Parents may also be notified if certain policies and procedures are violated. Documentation of tax dependent students is required on an annual basis.

### **Directory Information**

Bon Secours Memorial School of Nursing designates the following items as Directory Information: student name, address, valid email address, major field of study, past and present participation in officially recognized activities, dates of attendance (past and present), honors and awards (including Honors List), degrees conferred (including dates), most recent previous institutions attended, and enrollment status.

### **Information NEVER designated as Directory Information**

Items that can never be disclosed as directory information are: a student's social security number, gender, religious preference, grades, and GPA.

The School may disclose any of the directory information items without prior written consent, unless notified in writing by the student during registration each academic year.

### **Access and Disclosure**

1. The School of Nursing complies with the Federal Family Educational Rights and Privacy Act of 1974 (FERPA) in safeguarding the privacy and confidentiality of student records and student information.
2. Education records include admission, academic and general education records, financial aid records, and supporting data that would identify the student, student's parents, or other family members. Education records are maintained in the School office.
3. Education records do not include personal notes, records, or other information related to instructional, supervisory and administrative personnel; records maintained and accessible to law enforcement personnel; medical records which are maintained, used by, and disclosed only by professional personnel providing treatment to the student.
4. Education records other than directory information shall not be released without prior written consent of the student except as is authorized by the Family Educational Rights and Privacy Act. A parent is not entitled to examine a student's education record unless the student is financially dependent upon the parent and, said parent submits the student's tax-dependent status.

5. Directory information, which is considered public information, may be released without a student's prior consent unless the student specifically requests in writing that such information be withheld.
6. The student is entitled to inspect and review his/her education record upon a written request, in which the student identifies the part of the record she/he wishes to inspect. The student will be given access to his/her record within 45 days in the presence of the Dean or the Dean's designate.
7. The School is not required to permit a student to inspect and review records related to financial records; financial records of parents through the student financial aid file; records not considered education records, and confidential letters and confidential statements of recommendation if the student waived in writing his/her right to inspect and review those letters and statements. If records contain information on more than one student, only information pertaining to the student in question may be released.
8. If the student believes his/her record is inaccurate, misleading, or violates his/her rights and privacy, the student may request an amendment to the record. If the request for amendment is denied, the student may request a hearing to challenge the contents of the record on the grounds that the records are inaccurate, misleading, or violate the student's rights.
9. No "personally identifiable" information from the student's record will be disclosed without written consent, except where consent is not required. Consent is not required for:
  - School officials, including faculty, who have a legitimate educational "need to know."
  - Authorized representatives of the U.S. Department of Education, Office of Inspector General, or state and local education authorities.
  - The Department of Homeland Security (DHS); Immigrations and Customs Enforcement (ICE) for the purpose of complying with Request Form ICE relative to the School's participation in The Student Exchange Visitor Information System (SEVIS).
  - Military Recruiters who request Student Recruiting Information (Solomon's Amendment), which includes name, address, telephone listing, age (or birth year), class level, major, degrees received and most recent educational institution of enrollment (some conditions exist).
  - Authorized representatives of the Department of Veterans Affairs for student receiving educational assistance from the agency.
  - Financial aid that the student applied for or received.
  - Parents, if the student is a dependent of the parent as defined by the Internal Revenue Service.
  - Compliance with a court order or subpoena.
  - Accrediting organizations to carry out their accrediting function.
  - Anyone if a health or safety emergency exists and the information will assist in resolving the emergency.
  - Directory information.
  - Organizations conducting studies/audits concerning administration of student aid programs.
  - Agents acting on behalf of the School such as Clearing Houses and degree/enrollment verifiers.
  - The School shall maintain a record in the student's education record of each request for access to and disclosure of student information with the exception of a School official or a party seeking directory information.

The same principles of confidentiality must be applied to all media, including but not limited to, electronic data, e-mail, and video or audio tapes.

Student education records shall be maintained as long as it is deemed necessary under applicable state law or regulations of federal and state agencies or accrediting bodies.

The School retains all rights to the student's education record, and will not honor requests for official transcripts of the record and school references when the student has unfulfilled financial obligations to the School.

For further information on FERPA:

Family Policy Compliance Office  
U. S. Department of Education  
400 Maryland Ave. SW  
Washington, D.C. 20202-5920  
Phone (202) 260-3887  
Fax (202) 260-9001  
e-mail: [ferpa@ed.gov](mailto:ferpa@ed.gov)  
Web: [www.ed.gov/policy/gen/guid/fpco/index.html](http://www.ed.gov/policy/gen/guid/fpco/index.html)