

Policy Name: Family Educational Rights and Privacy Act
Policy Number: ADM 3.01
Title of Policy Owner: Dean of Student Services
Approved by: Administrative Cabinet
Effective Date: 8/1/2021
Version: 1.0
Policy Status: Approved

I. Policy

Family Educational Rights and Privacy Act

II. Purpose

This policy establishes that the College complies with the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) also known as the Buckley Amendment, governing student educational records.

III. Scope

This policy applies to all students, faculty, and staff of Bon Secours Memorial College of Nursing

IV. Definitions

V. Policy Details

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

- i. contains 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.”

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

To be in compliance with FERPA, the College 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 disclose personally identifiable information (except under a few circumstances)
- ❖ Keep records of requests for and disclosures of student education records.

When a student turns 18 years old or attends a postsecondary institution at any age, the student is then defined as an *eligible student* (herein referred to as student) and the rights under FERPA transfer from the parent to the student.

Student Rights Covered by FERPA Include:

The right to inspect and review their education records.

A student may submit a written request to the Office of the Registrar identifying as precisely as possible the record(s) the student 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. The Office of the Registrar will inform the student when and where the records may be inspected. Records will be made available for review in a timely manner, not to exceed forty-five calendar days after the request has been received. Records may be reviewed in the presence of the Dean or the Dean's designate. The College 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.

The right to request the amendment of educational records.

If a student believes his/her record is inaccurate, misleading, or violates his/her rights and privacy, the student may submit a written request to the College official responsible for the record requesting an amendment to the record. The student must identify the part of the record he/she wants changed and why it is inaccurate, misleading or violates the student's rights and privacy. If the request for amendment is denied, the student will be notified in writing of the decision and of the student's right to a hearing regarding the request for amendment.

The right to limit disclosure of personally identifiable information contained in the student's education records except to the extent that FERPA authorizes disclosure without consent.

An exception which allows disclosure without consent is a disclosure to College officials with legitimate educational interests. A College official has legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A College official is a person employed by the College 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 College has contracted (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 College official in performing his or her tasks. 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:

- 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 College's participation in The Student Exchange Visitor Information System (SEVIS).
- Military Recruiters who request Student Recruiting Information (Solomon 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.
- Compliance with state or federal laws mandating notification to certain individuals of the final result in disciplinary proceedings.
- 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 College such as Clearing Houses and degree/enrollment verifiers.

The right to file a complaint with the Department of Education concerning alleged failure to comply with this Act.

Family Policy Compliance Office

U. S. Department of Education

400 Maryland Ave. SW

Washington, D.C. 20202-5920

Phone 1-800-872-5327

Web: <https://www2.ed.gov/policy/gen/guid/fpco/index.html>

Students may update or change their FERPA settings in the student portal of Campus Nexus, the College's Student Information System (<https://www.bsmcon.edu/quicklinks>, student portal. (Username is first name _last name), click on My Profile and then My FERPA).

Directory Information

Bon Secours Memorial College 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. The College may disclose any of the directory information items without prior written consent, unless notified in writing by the student each academic year. 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.

Information NEVER designated as Directory Information

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

Education Records

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 College office. 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.

Parental Access and Notification

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. 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.

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

The College shall maintain a record of each request for access to and disclosure of student information with the exception of a College official or a party seeking directory information in the student's education record.

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

VI. Attachments

VII. Related Policies

VIII. Disclaimers

- a. Nothing in this policy creates a contractual relationship between Bon Secours Memorial College of Nursing (BSMCON) and any party. BSMCON, in its sole discretions, reserves the right to amend, terminate or discontinue this policy at any time, with or without advance notice.

IX. Version Control

Version	Date	Description	Prepared by
1.0	11/23/2020	New template	Dean of Student Services