

**Trinity College of Nursing & Health Sciences
Family Educational Rights and Privacy Act**

Title: Family Educational Rights and Privacy Act (FERPA)	
Written by: College Administration	
Date Initiated: September 12, 2012	Date: September 12, 2012
Approved by: <u>Susan C. Wajert</u> <u>September 12, 2012</u> Susan Wajert, Ph.D. Date Chancellor	Approved by: <u>College Governing Board</u> <u>October 17, 2012</u> Date

PURPOSE

To protect the educational records of students under the guidelines of the Family Educational Rights and Privacy Act.

DEFINITIONS

The Family Educational Rights and Privacy Act is a Federal law that protects the privacy of student educational records. The law applies to schools that receive funds from the U.S. Department of Education,(e.g. Title IV).

POLICY

Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. A detailed explanation of those rights may be found at 34 C.F.R. § 99.1 *et. seq.* In summary, they are:

1. The right to inspect and review the student’s education records within 45 days of the day Trinity College of Nursing & Health Sciences receives a request for access. Students should submit to the College Registrar a written request that identifies the records(s) they wish 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 are not maintained by the Registrar, he/she will advise the student as to whom the request should be addressed.
2. The right to request an amendment of the student’s education record(s) that the student believes are inaccurate, misleading, or in violation of the student’s right to privacy. Students desiring an amendment to their education record should write the Registrar, and clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of the student’s privacy. The student’s right to request an amendment may not be used to challenge grades.

3. The right to a hearing regarding the request for an amendment of the student's education records. If the College decides not to amend the record as requested by the student, the College must 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.

4. The right to prevent the College's disclosure of the student's personally identifiable information from the student's education records in most circumstances. The College must obtain the written consent of a student before disclosing that student's personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. Where required, a student's consent must specify the records to be disclosed, the purpose of the disclosure, and the party or class of parties to whom disclosure may be made. Among several others, FERPA contains the following exceptions allowing the College to disclose a student's personally identifiable information:

a. Disclosure to school officials with legitimate educational interests is permitted without a student's written consent. A school 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 institutional services or functions that the College would otherwise use employees to perform (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 education record in order to fulfill his or her professional responsibility. A school official must be under the direct control of the institution with respect to the use and maintenance of information from education records.

b. Disclosures to parents are permitted in three situations. First, disclosure of a student's personally identifiable information to parents is permitted absent a student's written consent in the event of a health or safety emergency. The College may disclose education records in an emergency if the College determines that there is an articulable and significant threat to the health or safety of the student or other individuals. Second, disclosure of a student's personally identifiable information is permitted to parents of the student if the student is a dependent pursuant to Section 152 of the Internal Revenue Code of 1986 and notice is given to the student that a parent has requested such information. Third, disclosure of a student's personally identifiable information to parents is permitted without the student's written consent if the student is under 21 and has violated a law or College rule or policy governing alcohol or controlled substance consumption or possession.

5. The right to opt out of the disclosure of directory information.

a. Pursuant to FERPA, the College has classified certain personally identifiable information as directory information, which may be released without the student's consent. The College defines directory information as the following: student's name, address, telephone number, email address; dates of attendance; previous institutions attended; major(s); degrees and awards received; honor's conferred (including dean's list); degree candidacy; status (full or part-time); and date of birth. Directory information may be released in written form or by other media, such as photographs, video or electronic images.

b. FERPA permits the College to limit the disclosure of directory information to specific parties, for specific purposes, or both. In the exercise of that authority, the College may release all directory information to members of the College family, defined as administrators, faculty, employees and trustees. Other releases will be limited to those situations in which the College, in its discretion, believes the release would recognize a student for his or her academic or extracurricular achievements or contributions to the College or would otherwise serve to advance the interests and image of the College. Examples of such releases would be the publication of the names of students on the dean's or honors list in news releases or graduation programs. Another example would be the release of directory information in connection with College sanctioned alumni affairs.

c. Students who wish to restrict the release of directory information must submit the appropriate form to the Office of the Registrar during the first week of each academic term. This form can be found on the College's website or at the Office of the Registrar. Upon receipt of such request, the Office of the Registrar will designate that the student's directory information is confidential and not to be released outside the College except to individuals, institutions, agencies and organizations authorized in the Act. The College will honor all requests to withhold any of the categories of directory information listed above but cannot assume any responsibility to contact the student for subsequent permission to release information. Non-disclosure will be enforced until the information is subsequently released by the student. A student may not, however, opt-out of disclosure of the student's name, institutional e-mail address, or electronic identifier in the student's classroom. Regardless of the effect on the student, the College assumes no liability for honoring the request of the student to restrict the disclosure of directory information.

6. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920
Phone: 800-USA-LEARN (800-872-5327)

PROCEDURES

1. A student who wishes to have his/her directory information withheld must complete the Family Educational Rights & Privacy Act (FERPA) form* to request a Non-Disclosure Hold of Student Directory Information.
2. Students who have completed a Non-Disclosure Hold of Student Directory Information will be identified with an ALERT in the Student Information System.
3. A student who wishes to waive his/her FERPA rights must complete the Student Waiver of FERPA form* for a designated College employee to discuss academic or financial records with an individual identified by the requesting student.

*Forms are located on the College website.

TRAINING

Training for faculty and staff will be conducted on an annual basis.

