

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) of 1974 as Amended

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, helps protect the privacy of student records. The Act provides for the right to inspect and review educational records, the right to seek to amend those records and to limit disclosure of information from the records. The Act applies to all institutions that are the recipients of federal funding.

WHO IS PROTECTED UNDER FERPA?

Students who are currently enrolled in higher education institutions or were formerly enrolled regardless of their age or status in regard to parental dependency. Students who have applied but have not attended an institution are not protected under FERPA.

EDUCATION RECORDS

With certain exceptions, a student has rights of access to those records which are directly related to him/her and which are maintained by an educational institution or party authorized to keep records for the institution. Education Records include any records in the possession of an employee which are shared with or accessible to another individual. The records may be handwritten or in the form of print or some other medium. FERPA coverage includes records, files, documents, and data directly related to students.

INFORMATION NOT INCLUDED IN EDUCATION RECORDS

- a. Sole possession records of private notes held by educational personnel which are not accessible or released to other personnel.
- b. Law enforcement or campus security records which are solely for law enforcement purposes.
- c. Records relating to individuals who are employed by the institution (unless contingent upon attendance).
- d. Records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.
- e. Records of an institution which contain only information about an individual obtained after that person is no longer a student at that institution (i.e., alumni records).

DOCUMENTS WHICH CAN BE REMOVED FROM EDUCATION RECORDS BEFORE THE STUDENT VIEWS THE RECORDS

- a. Any information that pertains to another student.
- b. Financial records of the student's parents.
- c. Some confidential letters and statements of recommendation under conditions described in FERPA section 99.12.

DIRECTORY INFORMATION

Institutions may disclose information on a student without violating FERPA through what is known as "directory information." Designated Directory Information at Mount Carmel College of Nursing includes the following: student name, address, telephone number(s), email address, date of birth, degree and major field of study, dates of attendance, class level, class schedule, expected date of graduation, full-time or part-time status, degrees and awards received (including honors), participation in officially recognized activities, and most recent previous educational institution attended.

Pursuant to federal law, a student has the right to refuse to permit the inclusion as directory information of any or all of the directory information enumerated above. Questions concerning general disclosure should be addressed to the Records and Registration Office.

WHO IS ENTITLED TO STUDENT INFORMATION

- a. The student and any outside party who has the student's written consent.
- b. School officials who have "legitimate educational interest" as defined in FERPA.
- c. A lawfully issued (by judge or attorney) judicial order or subpoena which allows the institution to release records without the student's consent. However, a "reasonable effort" must be made to notify the student before complying with the order.

REQUIRED CONSENT TO DISCLOSE "PERSONALLY IDENTIFIABLE INFORMATION" FROM AN EDUCATION RECORD (INCLUDING TRANSCRIPTS)

Except for specific exceptions listed below, a signed and dated consent by the student must be obtained before any disclosure is made. The written consent must: a) specify the records that may be disclosed, b) state the purpose of disclosure, c) identify the party or class of parties to whom the disclosure may be made.

Mount Carmel College of Nursing reserves the right to deny transcripts or copies of records to be made available by FERPA when the student has an unpaid financial obligation to the College and/or there is an unresolved disciplinary action against the student.

PERSONALLY IDENTIFIABLE INFORMATION

All personally identifiable information not included as directory information is confidential and shall only be disclosed by the college as provided herein. That information includes, but is not limited to, the following: a) name of the student's parent or other family members, b) address of the student's family, c) a personal identifier, such as a social security number or student number, d) a list of personal characteristics, e) academic evaluations and grades, f) counseling and advising records, g) disciplinary records, h) financial aid records, i) letters of recommendation, j) medical and psychological records, k) police records, l) transcripts and other academic records, m) scores on tests required for new students, n) billing and fee payment records, o) student's class schedule.

DISCLOSURE OF EDUCATION RECORDS

Mount Carmel College of Nursing will disclose information from a student's education records only with the written consent of the student, except: a) to school officials (defined in policy), b) to Federal, State and local authorities involving an audit or evaluation of compliance with educational programs, c) in connection with Financial Aid, d) to State and local authorities pursuant to a State law adopted before November 1974 requiring the disclosure, e) to

organizations conducting studies for or on behalf of educational institutions, f) to accrediting organizations, g) to comply with a lawfully issued judicial order or subpoena by a judge or attorney, h) health or safety emergency, i) directory information, j) results of disciplinary hearing to an alleged victim of crime of violence.

Requests to disclose should always be handled with caution and approached on a case-by-case basis. Requests for student information, e.g., address, telephone number, or immediate whereabouts based upon an apparent emergency, should be handled by the Records and Registration Office.

CORRECTION OF EDUCATION RECORDS

Students have the right to petition to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. A student must file a petition with the Registrar of Mount Carmel College of Nursing to amend a record. In so doing, the student should identify the part of the record he/she wants changed and specify why he/she believe it is inaccurate, misleading or in violation of his or her privacy or other rights.
2. Mount Carmel College of Nursing may comply with the request or it may decide not to comply. If it decides not to comply, Mount Carmel College of Nursing will notify the student of the decision and advise him/her of his/her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, Mount Carmel College of Nursing will arrange for a hearing, and notify the student, reasonably in advance, of the date, place, and time of the hearing.
4. The hearing will be conducted by the Student Judicial Board. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records.
5. Mount Carmel College of Nursing will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If Mount Carmel College of Nursing decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he/she has a 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.
7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If Mount Carmel College of Nursing discloses the contested portion of the record, it must also disclose the statement.
8. If Mount Carmel College of Nursing decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

ADDITIONAL CLARIFICATION FOR COMPLIANCE WITH FERPA

5.4 - Parental access to student's education records

At the postsecondary level, parents have no inherent rights to inspect a student's education records. This includes parents of dependent students. The right to inspect is limited solely to the student. Records may be released to parents only through the written consent of the student or in compliance with a lawfully issued (by a judge or attorney) subpoena.

6.3 - Anecdotal Notes

All anecdotal notes made about a student that an institution maintains and shares with school officials, regardless of the medium, would be included in the definition of education records and, therefore, subject to FERPA. Unless the notes are kept in the sole possession of the maker and are accessible only to a temporary substitute, they are part of the education records, subject to review by the student. This would include all shared paper files as well as notes made about the student on a shared computer record. If a student has requested access to his/her education records, none of these notes may be destroyed prior to student review.

Student admissions files for any admitted students should be reviewed in order to remove any items which have fulfilled their admissions-related purpose and will no longer be required in the student's academic career. An institution can decide what admissions records to keep and what to destroy. MCCN's Admissions Office keeps all relevant information submitted by the student or on behalf of the student at the Admissions Office and places it in his/her permanent folder.

6.5 - Campus security/police

Although law enforcement unit records are not considered education records, they must be kept separate from the student's education records. If a copy of the law enforcement unit record is given to a school official and that copy is placed in a student's folder or in another location within the institution outside the law enforcement office, that copy becomes an education record subject to FERPA.

6.16 - Posting of grades by faculty

The public posting of grades either by the student's name, institutional student identification number, or social security number without the student's written permission is a violation of FERPA. Even with names obscured, numeric student identifier numbers are considered personally identifiable information. Therefore, the practice of posting grades by social security number or student identification number violates FERPA.

6.18 - Releasing nondirectory information over the phone

FERPA prohibits the release of nondirectory information over the phone to a third party in most instances. Nondirectory information can be released to a third party if the information is needed to help resolve an emergency or the student has given specific written permission to do so.