

BAY DE NOC COMMUNITY COLLEGE
and the
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 (within 45 days of the day the College receives a request for access), the right to seek to amend those records and to limit disclosure of information from the records, and the right to file a complaint with the U.S. Department of Education concerning alleged failures by Bay de Noc Community College to comply with the requirements of FERPA. 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. Deceased students have rights under FERPA as long as they were formerly enrolled. Students who have applied but have not attended an institution do not.

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." Directory information includes the student's name, address, email address, telephone number, date and place of birth, major field of study, participation in officially recognized activities, enrollment status (full-time, three-quarter time or part-time, freshman, sophomore), dates of attendance, degrees, honors (including Dean's List) and awards received, and the most recent educational agency or 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.

The College may release Directory Information to other educational institutions about students who are on the graduation list. Students who do not wish this information released must contact the Registrar by February 1 of the year in which the student intends to graduate.

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.

Bay de Noc Community College 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 (non-directory) 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.

FERPA prohibits the release of personally identifiable (non-directory) information over the phone to a third party in most instances. Non-directory 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.

DISCLOSURE OF EDUCATION RECORDS

Bay de Noc Community College will disclose information from a student’s education records only with the written consent of the student, except: a) to school officials (see note below), 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.

Note: School officials are defined as: persons employed by the College in an administrative, supervisory, academic or research, or support staff position, a person or company with whom the College has contracted (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/her tasks. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his/her professional responsibility.

Upon request, the College discloses educational records without consent to officials of another school in which a student seeks or intends to enroll.

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.

Complaints may be filed with the U.S. Department of Education concerning alleged failures by Bay de Noc Community College to comply with the requirements of FERPA. 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, DC 20202-5901

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 Bay de Noc Community College 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. The College official 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 College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. Bay de Noc Community College may comply with the request or it may decide not to comply. If it decides not to comply, Bay de Noc Community College 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, Bay de Noc Community College will arrange for a hearing, and notify the student, reasonably in advance, of the date, place, and time of the hearing. 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.

4. Bay de Noc Community College 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.
5. If Bay de Noc Community College 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.
6. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If Bay de Noc Community College discloses the contested portion of the record, it must also disclose the statement.
7. If Bay de Noc Community College 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

PARENTAL ACCESS TO STUDENT'S EDUCATION RECORDS

At the post-secondary 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.

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.

REPORTING REQUIREMENTS

In order to improve the instruction offered at Bay de Noc Community College, and to meet the requirements of the Carl D. Perkins Vocational and Technical Education Act, Section 113 and the Workforce Investment Act of 1998, Section 122, Bay College may use your Social Security number in order to compile summary reports as mandated by these acts.