

**BURRELL COLLEGE
OF OSTEOPATHIC MEDICINE
POLICY MANUAL**

SECTION: General Administration

BCOM Policy 2013

TOPIC: Family Educational Rights & Privacy Act
(FERPA)

Approval Date: 10/22/18

Revised:

Approved: Signature on File
President

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POLICY:

BCOM shall afford students the rights and protections relating to their education records as provided in the the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99).

The rights are as follows:

1. The right to inspect and review the student's education records within 45 days after the day Burrell College of Osteopathic Medicine receives a request for access. A student should submit a completed "Request to Review Education form" to the Registrar. 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 school 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. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask BCOM to amend a record should write to the school official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If BCOM decides not to amend the record as requested, BCOM will notify the student in writing of the decision and the student's 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.
3. The right to provide written consent before BCOM discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. However, FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student —
 - BCOM discloses education records to school officials with legitimate educational interests. A ***school official*** typically includes a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health/medical staff); a person serving on the BCOM Board of Trustees; or a student serving on an official committee, such as a conduct or grievance committee. A school official also may include a consultant, volunteer, contractor, or other parties to whom the BCOM has outsourced institutional services or functions for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for BCOM, providing that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
 - Upon request, BCOM also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. To officials of another school where the student seeks or

- intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
 - In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
 - To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
 - To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
 - To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
 - To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
 - To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
 - Information the school has designated as "directory information" under § 99.37. (§ 99.31(a)(11)) BCOM may disclose personally identifiable information without prior written consent under FERPA as part of the "*directory information*". The College has declared the following information as "**directory information**": student's name, address, telephone number, date and place of birth, major field of study, dates of attendance, degrees and awards received, photographs, educational institutions attended, enrollment status, and e-mail address. Students have the right to request that BCOM refrains from disclosing some or all directory information. This will prevent BCOM, however, from printing your name in certain publications (i.e. commencement program) or disclosing directory information requested by third parties including spouses and parents. A student can complete a "Request to Prevent Disclosure of Directory Information" form and submit to the Registrar's office. If a student does not specifically request the withholding of directory information by filing the appropriate BCOM form, as indicated above, BCOM assumes that he or she approves of the disclosure of such information.
 - To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
 - To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))
 - To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))
 - The right to file a complaint with the U.S. Department of Education concerning alleged failures by BCOM 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

RESPONSIBLE POLICY OFFICIAL(S):

Registrar

DEFINITIONS (if applicable):

Act means the Family Educational Rights and Privacy Act of 1974, as amended, enacted as section 444 of the General Education Provisions Act. 20 U.S.C. § 1232g; 34 CFR Part 99

Attendance includes, but is not limited to—(a) Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and (b) The period during which a person is working under a work-study program.

Authorized representative means any entity or individual designated by a State or local educational authority or an agency headed by an official listed in §99.31(a)(3) to conduct—with respect to Federal- or State-supported education programs—any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.

Biometric record, as used in the definition of *personally identifiable information*, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting.

Dates of attendance. (a) The term means the period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester, or a first quarter. (b) The term does not include specific daily records of a student's attendance at an educational agency or institution.

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

- (a) Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended. The College has declared the following information as "**directory information**": student's name, address, telephone number, date and place of birth, major field of study, dates of attendance, degrees and awards received, photographs, educational institutions attended, enrollment status, and e-mail address.
- (b) Directory information does not include a student's—
 - (1) Social security number; or
 - (2) Student identification (ID) number, except as provided in paragraph (c) of this definition.
- (c) In accordance with paragraphs (a) and (b) of this definition, directory information includes—
 - (1) A student ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user; and
 - (2) A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

Disciplinary action or proceeding means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Education records.

- (a) The term means those records that are:
 - (1) Directly related to a student; and
 - (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.
- (b) The term does not include:
 - (1) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
 - (2) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of §99.8.
 - (3)(i) Records relating to an individual who is employed by an educational agency or institution, that:
 - (A) Are made and maintained in the normal course of business;
 - (B) Relate exclusively to the individual in that individual's capacity as an employee; and
 - (C) Are not available for use for any other purpose.
 - (ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3)(i) of this definition.
 - (4) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - (ii) Made, maintained, or used only in connection with treatment of the student; and
 - (iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and
 - (5) Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
 - (6) Grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible student means a student who has reached 18 years of age or is attending an institution of postsecondary education.

Institution of postsecondary education means an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

Parent means a parent of a student and includes a natural parent, a guardian, or an individual

Party means an individual, agency, institution, or organization.

Personally Identifiable Information - the term includes, but is not limited to—

- (a) The student's name;
- (b) The name of the student's parent or other family members;
- (c) The address of the student or student's family;
- (d) A personal identifier, such as the student's social security number, student number, or biometric record;
- (e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- (f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

- (g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

Record means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

Secretary means the Secretary of the U.S. Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.

Student, except as otherwise specifically provided in this part, means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

CROSS REFERENCE:

FERPA related forms are available in the Office of the Registrar and can also be found under: P:\SOP Enrollment Services\SOP Registrar\FERPA.