

BURRELL COLLEGE OF OSTEOPATHIC MEDICINE

STANDARD OPERATING PROCEDURES

Family Educational Rights and Privacy Act	SOP #: RR.001.02
Effective Date	1/31/19
Last Revision/Review	Revised 08/2018, 8/28/19, 11/10/2021, 08/18/2022

1. Purpose

Burrell College of Osteopathic Medicine complies fully with the provisions of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99. The Family Educational Rights and Privacy Act of 1974, as amended, ("the Act," commonly referred to as "FERPA" or the "Buckley Amendment") is designed to protect the confidentiality of the records that educational institutions maintain on their students and to give students access to their records to assure the accuracy of their contents. The purpose of Burrell's Student Education Records Policy is to: inform students of their rights under the Act; inform employees, student workers, third-party contractors, and volunteers of Burrell's responsibilities under the Act; and to describe the circumstances under which Burrell may disclose student education records.

2. Related Policy/Authority

20 U.S.C. § 1232g; 34 CFR Part 99 the Family Educational Rights and Privacy Act (FERPA)
https://www.ecfr.gov/cgi-bin/text-idx?SID=60c46fd633b6738d6744fb854faf1921&mc=true&node=se34.1.99_13&rgn=div8
<https://burrell.edu/students/resources/office-of-the-registrar/>

3. Faculty/Staff Responsibilities

This policy applies to all "education records" of Burrell "students" as those two terms are defined within this policy. All faculty and staff employees, student workers, third-party contractors, and volunteers of Burrell are expected to comply with this policy. At Burrell, FERPA is administered by the Registrar. Requests to review records, for copies of the statute or its attendant regulations, or for additional information concerning FERPA, should be directed to the Office of the Registrar.

4. Definitions/Abbreviations

Family Educational Rights and Privacy Act (FERPA)

5. Procedural Steps

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) 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 Burrell to amend a record should write to the school official responsible

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for the record, clearly identify the part of the record the student wants changed and specify why it should be changed. If Burrell decides not to amend the record as requested, Burrell 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 Burrell 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 —
 - Burrell 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 Burrell 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 College 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 Burrell, 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 Burrell 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))

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- To organizations conducting studies for, or on behalf of, the school, for the purpose of: (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))
Burrell 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, cohort classification, college e-mail address, leadership participation in officially recognized activities and graduate medical education placements. Students have the right to request that Burrell refrains from disclosing some or all directory information. This will prevent Burrell, 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 Burrell form, as indicated above, the College 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 result(s) 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

6. Reports/Charts/Forms/Attachments/Cross References

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FERPA related forms can be found under: P:\SOP Enrollment Services\SOP Registrar\FERPA

<https://burrell.edu/students/resources/office-of-the-registrar/>

7. Maintenance

The Registrar developed the procedure; it will be reviewed and updated annually.

8. Signature

Approved by	8/23/2022
Registrar	Date

9. Distribution List

All faculty, staff, Board of Trustees

10. Revision History

Revision Date	Subsection #	Summary of Changes	New/Cancellation/ Replacement Procedure? (if applicable)	Approval Date
1	[e.g., 3.1]			
10/28/2021	All	Replaced BCOM wording to Burrell	N/A	11/10/2021
08/18/2022	5.3	Additional directory information included		8/23/2022