



FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) POLICY

Purpose

The Family Educational Rights and Privacy Act ("FERPA" - 20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to students who are at least eighteen years old or who attend or attended a post-secondary institution, even if they have not reached the age of eighteen.

Policy

It is the policy of Butler County Community College ("the College") to comply with all provisions of FERPA.

FERPA Summary

To view the definitive set of regulations and for other helpful information, please visit:

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Definitions

Education Record

Education Record means any record (1) directly related to a student and (2) maintained by the College or a party acting for the College. There are several important categories of records that are specifically exempted from the definition of an Education Record:

1. Records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker of the records, and are not accessible or revealed to any other individual except a substitute who performs on a temporary basis the duties of the individual who made the records,
2. Records maintained by a law enforcement unit of the College that were created by that law enforcement unit for the purpose of law enforcement,
3. Records relating to individuals who are employed by the College, which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available for use for any other purpose,
4. Records relating to a student which are: (1) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, acting in their professional capacity or assisting in a paraprofessional capacity; (2) used solely in connection with the provision of treatment to the student; and (3) not disclosed to anyone other than individuals providing such treatment.
5. Records that only contain information about an individual after they are no longer a student at the College.

School Official

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); a person or company with whom the College has contracted as its agent to provide a service (such as an attorney, auditor, collection agent, learning management system vendor (e.g., Colleague, Blackboard), or other contractor which has agreed to assume responsibility specifically for the security of student records in the capacity of a "school official"; a person serving on the Board of Trustees; or a student serving on an official committee, (e.g. 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 responsibilities for the College

Type and Location of Education Records

1. The principal education record of each student is maintained by the Records and Registration Office in the Student Success Center. The Dean of Admissions and College Registrar or designee is responsible for these records. Inquiries concerning these records must be made in writing to the Dean of Admissions and College Registrar or designee.
2. The following offices maintain administrative (rather than academic) records relevant to their work. Inquiries concerning non-confidential records should be made in writing to the person supervising the record with a copy to Dean of Admissions and College Registrar.
 - a. Director of Financial Aid - financial aid letters, records, forms (parental information confidential to student)
 - b. Vice President of Student Affairs and Enrollment Management and the Dean of Student Development: disciplinary action files
 - c. Academic Center for Enrichment: current test/evaluation records, and personal notes from counseling sessions (confidential to student)
 - d. Controller - records pertaining to student's charges and payments (parental information is confidential to student)
 - e. Director of Campus Police and Security- accident reports, vehicle registrations, criminal record information (confidential to student with exceptions)
 - f. Vice President of Academic Affairs and Academic Division Deans-Class rosters, tests, attendance and classroom related notes

Legitimate Educational Interest

The demonstrated "need to know" by those officials of an institution who act in students' educational interest, including faculty, administration, clerical and professional employees, and other persons who manage student record information including student employees or agents. (Although The Act does not define "legitimate educational interest," it states that institutions must establish their own criteria, according to their own procedures and requirements, for determining when their school officials have a legitimate educational interest in a student's educational records.)

Personally Identifiable Information

Data or information which 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 identifies, 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 and 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.

Student Rights Under FERPA

This policy applies to all Butler County Community College students (former and current) who have attended classes resulting in education records maintained at the college. The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their own education records. These rights include:

1. *The right to inspect and review the student's education records within 45 days of the day the College receives a request for access.*

A student should submit to the Dean of Admissions and College Registrar or designee, a written request that identifies the record(s) the student wishes to inspect. 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. *The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.*

A student who wishes to ask the College to amend a record should write the Dean of Admissions and College Registrar or designee, clearly identifying the part of the record the student wants changed, and specifying why it should be changed. If the College decides not to amend the record as requested, the College 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 the College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.*

The College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. 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); a person or company with whom the College has contracted as its agent to provide a service (such as an attorney, auditor, collection agent, learning management system vendor (e.g., Colleague, Blackboard), or other contractor which has agreed to assume responsibility specifically for the security of student records in the capacity of a "school official"; a person serving on the Board of Trustees; or a student serving on an official committee, (e.g. 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 responsibilities for the College. Upon request, the College may disclose education records without consent to officials of another school in which a student seeks or intends to enroll. The month and year of date of birth will be disclosed only for purposes of law enforcement, health and safety, and identity verification. Finally, "directory information" may be released freely unless the student files the appropriate form requesting that directory information not be released. This form is available through the [Records and Registration Office](#).

"Directory information" is limited to the following:

Student's name
 Address
 Telephone listing
 Electronic mail address
 Photograph
 Date of Birth
 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
 Most recent educational agency or institution attended

4. *The right to file a complaint with the U.S. Department of Education concerning alleged failures by Butler County 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

Contact Information

In the event of questions or concerns regarding this policy or other matters pertaining to FERPA, a student can contact the Records and Registration Office at 724.284.8510 or at registration@bc3.edu. All FERPA policy related forms can be found on the [BC3 website](#).