

Security of Student Information:  
Family Educational Rights and Privacy Act  
(FERPA)



BROWN MACKIE COLLEGE<sup>SM</sup>

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

The Family Educational Rights and Privacy Act of 1974, as amended ("FERPA") sets out requirements designed to afford students certain rights with respect to their education records. In addition, it puts limits on what information Brown Mackie College may disclose to third parties without receiving prior written consent from the student.

### **I. Procedure to Inspect Education Records**

Students have the right under FERPA to inspect and review their education records. A student who wishes to inspect and review his/her records should submit a written request to [*insert title(s) of appropriate school official(s), typically, Registrar*]. The request should identify as precisely as possible the records the student wishes to inspect. If the requested records are subject to inspection and review by the student, arrangements for access will be made within a reasonable period of time but in no case more than 45 days after the request was made, and the student will be notified of the time and place where the records may be inspected. The school may require the presence of a school official during the inspection and review of a student's records.

Certain limitations exist on a student's right to inspect and review their own education records. Those limitations include, for example, the following: (i) financial information submitted by parents; (ii) confidential letters and recommendations placed in their files prior to January 1, 1975; (iii) confidential letters and recommendations placed in their files after January 1, 1975 to which the student has waived his or her right to inspect and review and that are related to the student's admission, application for employment or job placement, or receipt of honors. In addition, the term "education record" does not include certain types of records such as, by way of example, records of instructional, supervisory, administrative, and certain educational personnel that are in the sole possession of the maker thereof, and are not accessible or revealed to any other individual except a substitute.

When a record contains personally identifiable information about more than one student, the student may inspect and review only the information that relates to him/her personally.

### **II. Disclosure of Educational Records**

Brown Mackie College generally will not permit disclosure of personally identifiable information from the records of a student without prior written consent of the student. Personally identifiable information is disclosed (some items are mandatory, some discretionary) from the records of a student without that student's prior written consent to the following individuals or institutions or in the following circumstances:

1. To Brown Mackie College officials who have been determined by the school to have legitimate educational interests in the records. A school official is

- a. a person employed by the school or its corporate parent in an administrative, supervisory, academic or research, or support staff position. This includes, but is not limited to human resources and accounting staff for purposes of the tuition reimbursement plan; or
- b. a person employed by or under contract to the school to perform specific tasks, such as an auditor, consultant, or attorney, a person on the Board of Trustees, or a student serving on an official committee or assisting another school official.

Any school official who needs information about a student in the course of performing instructional, supervisory, advisory, or administrative duties for Brown Mackie College has a legitimate educational interest.

- 2. To certain officials of the United States Department of Education, the Comptroller General of the United States, the Attorney General of the United States, and state and local educational authorities in connection with state or federally supported educational programs.
- 3. In connection with the student's request for, or receipt of, financial aid necessary to determine the eligibility, amounts or conditions of financial aid, or to enforce the terms and conditions of the aid.
- 4. To organizations conducting certain studies for or on behalf of the school.
- 5. To accrediting commissions or state licensing or regulatory bodies to carry out their functions.
- 6. To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code.
- 7. To comply with a judicial order or lawfully issued subpoena.
- 8. To appropriate parties in health or safety emergencies.
- 9. To officials of another school in which a student seeks or intends to enroll.
- 10. To an alleged victim of a crime of violence or a nonforcible sexual offense, the final results of the disciplinary proceedings conducted by the school against the alleged perpetrator of that crime or offense with respect to that crime or offense.
- 11. To persons in addition to the victim of a crime of violence or nonforcible sexual offense, the final results of the disciplinary proceedings described in paragraph 10 above but only if the school has determined that a student is the perpetrator of a crime of violence or non-forcible sexual offense, and with respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies. (The school, in such instances, may only disclose the name of the perpetrator -- not the name of any other student, including a victim or witness -- without the prior written consent of the other student(s)).
  - a. Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. Compliance with this paragraph does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g). For the purpose of this paragraph, the outcome of a disciplinary proceeding means only the institution's final

determination with respect to the alleged sex offense and any sanction that is imposed against the accused.

12. To a parent regarding the student's violation of any federal, state, or local law or of any rules or policy of the school governing the use or possession of alcohol or a controlled substance if the school determines that the student has committed a disciplinary violation with respect to that use or possession, and the student is under 21 at the time of the disclosure to the parent.
13. Directory information (*see* Section IV below).
14. Student Recruiting Information as requested by the U.S. Military. Student recruiting information includes ONLY: name, address, telephone listing, age or date of birth, class level, academic major, place of birth, degrees received and most recent educational institution attended. It does not include and Brown Mackie College will not provide: social security numbers, race, ethnicity, nationality, GPA, grades, low performing student lists, religious affiliation, students with loans in default, veteran's status, students no longer enrolled. Students who opt out of the directory also opt out of student recruiting information.

## **II. Record of Requests for Disclosure**

Except with respect to those requests made by the student themselves, those disclosures made with the written consent of the student, or to requests by or disclosures to Art Institute of Brown Mackie College officials with legitimate educational interests and disclosures of directory information (or other exceptions described in the applicable regulations), The Art Institute of Brown Mackie College will maintain a record indicating the parties who have requested or obtained personally identifiable information from a student's education records and the legitimate interests those parties had in requesting or obtaining the information. This record may be inspected by the student.

## **III. Directory Information**

Brown Mackie College designates the following information as directory information. (Directory information is personally identifiable information which may be disclosed without the student's consent):

1. Student's name
2. Address: Local, email and website
3. Telephone number (local)
4. Date and place of birth
5. Program of study
6. Participation in officially recognized activities
7. Dates of attendance
8. Degrees and certificates awarded
9. Most recent previously attended school
10. Photograph of the student, if available
11. Enrollment status (*i.e.*, enrolled, continuing, future enrolled student, reentry, leave of absence, etc.)

12. Student honors and awards received.
13. The height and weight of athletic team members

Notice of these categories and of the right of an individual in attendance at Brown Mackie College to request that his/her directory information be kept confidential will be given to the student annually. Students may request nondisclosure of student directory information by specifying nondisclosure, in writing, to the Office of the Registrar, Brown Mackie College, <insert full school address>. Failure to request nondisclosure of directory information will result in routine disclosure of one or more of the above-designated categories of personally identifiable directory information.

#### **IV. Correction of Educational Records**

Students have the right under FERPA to ask to have records corrected which they believe are inaccurate, misleading, or in violation of their privacy rights. The following are the procedures for the correction of records:

1. A student must ask the [*insert title(s) of appropriate school official(s)*] to amend a record. As part of the request, the student should identify the part of the record they want to have changed and specify why they believe it to be inaccurate, misleading, or in violation of his/her privacy rights.
2. Brown Mackie College may either amend the record or decide not to amend the record. If it decides not to amend the record, it will notify the student of its decision and advise the student of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy rights.
3. Upon request, Brown Mackie College will arrange for a hearing and notify the student reasonably in advance of the date, place, and time of the hearing. The hearing will be conducted by an individual who does not have a direct interest in the outcome of the hearing. That individual may be an official of Brown Mackie College. The student shall be afforded a forum for the opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by other people, including an attorney.
4. The Brown Mackie College will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence, and the reasons for the decision.
5. If, as a result of the hearing, Brown Mackie College decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it will (a) amend the record accordingly; and (b) inform the student of the amendment in writing.
6. If, as a result of the hearing, Brown Mackie College decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the student of the right to place a statement in the record commenting on the

contested information in the record or stating why he or she disagrees with the decision of the school.

7. If a statement is placed in the education records of a student under paragraph 6 above, Brown Mackie College will:
  - (a) maintain the statement with the contested part of the record for as long as the record is maintained; and
  - (b) disclose the statement whenever it discloses the portion of the record to which the statement relates.

## **VI. Student Right to File Complaint**

A student has the right to file a complaint with the United States Department of Education concerning alleged failures by Brown Mackie College to comply with the requirements of FERPA. The name and address of the governmental office that administers FERPA is:

**Family Policy Compliance Office  
United States Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605**