SUBJECT: Family Educational rights and Privacy Act (FERPA)

REVIEWED/REVISED: 9/2015

PURPOSE: To provide for the privacy and confidentiality of all student records.

Nebraska Methodist College (NMC) recognizes that the protection of the rights of persons requires adherence to clearly formulated institutional policies governing the maintenance of student records. As provided more fully below, the privacy and confidentiality of all student records shall be preserved. Officers of administration, members of the faculty and staff of the College are morally bound to respect the rights of a student to good reputation and privacy by holding in confidence information they acquire in the course of their work.

Definitions:

Student: any individual who is or has been in attendance at NMC and about whom the institution maintains education records. Eligible students are those who are 18 years of age or older. This definition does not include applicants to NMC.

Disclosure: to permit access to education records or the personally identifiable information in the records by any means, including oral, written, or electronic means.

Personally identifiable information: student's name, parent and family member names, address of student and parent or family members, a personal identifier such as social security number or student number, a list of personal characteristics or other information which would make the student's identity easily traceable.

Directory information: information contained in education records which would not generally be considered harmful or an invasion of privacy if released. Examples of the types of information your institution might designate include: Student - name, local and home address, local and home telephone number, electronic mail address, date and place of birth, major field of study, class standing, participation in recognized activities and sports, weight and height of athletes, dates of attendance, degrees, honors, and awards received, the most recent previous educational institution attended, status as a student employee, and photographs of the student.

Education records: any records (in handwriting, print, tapes, film, computer or other medium) maintained by NMC or an agent of the College which are directly related to a student except:

1. A personal record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record, is not accessible or revealed to any other person except a temporary substitute for the maker of the record and is not used for purposes other than a memory or reference tool.

2. Records created and maintained by NMC security for law enforcement purposes.

3. An employment record of an individual whose employment is not contingent on the fact that he or she is a student.
4. Records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment.

5. Alumni records which contain information about a student after he or she is no longer in attendance at the College and which do not relate to the person as a student.

Notification of Student Rights

The Family Educational Rights and Privacy Act (FERPA) 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.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day Nebraska Methodist College (School) receives a request for access. A student should submit to the registrar, dean, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The school 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 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 the school to amend a record should write 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 the school decides not to amend the record as requested, the school 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 school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

   The school 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 Nebraska Methodist College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of Nebraska Methodist College who performs an institutional service or function 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 has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for Nebraska Methodist College.

   Upon request, Nebraska Methodist College also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Nebraska Methodist 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

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 -

- To other school officials, including teachers, within Nebraska Methodist College whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))

- 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))
• 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))

If the information requested does not fit into one of the categories described above, a student's consent must be obtained prior to disclosing the records. The consent must be signed and in writing, stating the date, the records to be released, the purpose of the disclosure, and the party to whom the disclosure may be made. Electronic signatures are allowable if the format "identifies and authenticates a particular person as the source of the electronic consent and indicates such person's approval of the information contained in the electronic consent."

**Annual Notification:**

Students will be notified of their FERPA rights annually by e-mail and/or through the College website.

**Recordkeeping Requirements:**

NMC will maintain a record of requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request and what records, if any, were received, the legitimate interest in the records, any additional party to whom it may be redisclosed, and the legitimate interest the additional party had in requesting or obtaining the information. The record may be reviewed by the student. This recordkeeping is not required if the request was from, or the disclosure was to:

1. the student;
2. a school official determined to have a legitimate educational interest;
3. a party with written consent from the student;
4. a party seeking directory information; or
5. a federal grand jury or law enforcement agency pursuant to a subpoena that by its terms requires nondisclosure.