



# Brightwood College

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

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 all schools that receive funds under an applicable program of the U.S. Department of Education.

Brightwood College is required by the Family Educational Rights and Privacy Act of 1974 (FERPA) to provide students with annual notification of FERPA rights.

For the purpose of this policy, Brightwood College will use the following definitions of terms:

1. Student – Any person who attends or has attended the College.
2. Education Records – Any record (in handwriting, print, tapes, film, or other medium) maintained by the College or an agent of the College which is directly related to a student except
  - a personal record kept by a staff member, if it is kept in the personal possession of the individual who made the record and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute;
  - an employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment; or
  - alumni records which contain information about a student after he or she is no longer in attendance at the College and the records do not relate to the person as a student.
3. School Official – Any of the following:
  - a person employed by the College in an administrative, supervisory, academic or research, or support staff position
  - a member of the College Board of Directors
  - a person employed by or under contract to the College to perform a special task, such as an attorney or auditor
4. Directory Information – Means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed.

### ANNUAL NOTIFICATION

This FERPA policy will annually be provided to the student on the College's intranet site as a statement of their rights.



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## PROCEDURE TO INSPECT EDUCATION RECORDS

Students may inspect and review their education records upon request to the registrar. Students should submit to the registrar a written request which identifies as precisely as possible the record or records he/she wishes to inspect. The registrar or College staff person will make the necessary arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given within 45 days or less from receipt of the request. When a record contains information about more than one student, the student may inspect and review only the records which relate to him/her.

## REFUSAL OF ACCESS

The College reserves the right to refuse to permit a student to inspect the following education records:

- the financial statement of the student's parents
- letters and statements of recommendation for which the student has waived his or her right of access
- records connected with an application to attend the College or a component unit of Virginia College if that application was denied

## REFUSAL TO PROVIDE COPIES

The College reserves the right to deny transcripts or copies of education records not required to be made available by FERPA if the student has an unpaid financial obligation to the College.

## EDUCATION RECORD TYPES AND LOCATIONS

The College reserves the right to deny transcripts or copies of education records not required to be made available by FERPA if the student has an unpaid financial obligation to the College.

TYPE	LOCATION	CUSTODIAN
Admissions Records	Admissions Office	Director of Admissions
Academic Records	Registrar Office	Registrar
Financial Aid Records	Financial Office	Director of Financial Planning
Student Account Records	Business Office	Controller
Placement Records	Graduate Placement Office	Director of Graduate Placement

## RECORD OF REQUESTS FOR DISCLOSURE

The College will maintain a record of requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the student.



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## DISCLOSURE OF EDUCATION RECORDS

Students have the right to consent to disclosure of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent. Unless disclosure is to the student, the consent must be written, signed and dated, and must specify the records to be disclosed and the party to whom the disclosure may be made.

The College may disclose information from a student's education record without the written consent of the student as follows:

1. To school officials who have a legitimate educational interest in the records. A school official has a legitimate educational interest if the official is
  - performing a task that is specified in his or her position description or by a contract agreement;
  - performing a task related to a student's education;
  - performing a task related to the discipline of a student; or
  - providing a service or benefit relating to the student or student's family such as health care, counseling, job placement, or financial aid.
2. To officials of another school, upon request, in which a student seeks or intends to enroll
3. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities in connection with certain state or federally supported education programs
4. In connection with a student's refusal for or receipt of financial aid as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid
5. To organizations conducting certain studies for, or on behalf of, the College
6. To accrediting organizations in order to carry out their functions
7. To parents of an eligible student who claim the student as a dependent for income tax purposes
8. To comply with a judicial order or a lawfully issued subpoena
9. To appropriate parties in a health or safety emergency
10. To anyone provided the information is directory information and the student has not provided written notice that such information should not be considered directory information as to him or her.



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## CORRECTION OF EDUCATION RECORDS

Students have the right to request education records to be corrected which they believe are inaccurate, misleading, or in violation of the privacy rights. The following are procedures for the correction of education records:

1. A student must ask the appropriate official of the College to amend a record. In so doing, the student should identify the party of the record they want changed and specify why they believe it is inaccurate, misleading, or in violation of his or her privacy or other rights.
2. The College may comply with the request or it may decide not to comply. If it decides not to comply, the College will notify the student of the decision and advise him/her of his/her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, the College will arrange for a hearing and notify the student reasonably in advance of the date, place, and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the institution. The student shall be afforded a full and fair 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 one or more individuals, including an attorney.
5. The College will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the College decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he or she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the College discloses the contested portion of the record, it must also disclose the statement.
8. If the College decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

## STUDENTS RIGHTS TO FILE COMPLAINTS

Students have the right to file complaints concerning alleged failures by the College to comply with the requirements of the Act and the implementing regulation. Such complaints should be addressed to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202.

Students are encouraged to bring complaints regarding the implementation of College policy to the attention of the Campus President.



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