

Family Educational Rights & Privacy Act (FERPA): Privacy of Student Records

BHSN conforms to the regulations of the Family Educational Rights and Privacy Act (FERPA) of 1974 which affords all “eligible students” as defined by the law, in higher education institutions certain rights. FERPA protects the privacy of student educational records, establishes the right of students to inspect and review their educational records and provides guidelines for the correction of inaccurate or misleading data. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution).

Based on FERPA revisions, institutions are permitted to disclose, without the consent or knowledge of the student or parent, personally identifiable information from the student’s education records to the representative of the Attorney General of the United States in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes.

I. BHSN observes FERPA regulations through the following rights:

A. Student’s Education Records

The right to inspect and review the student’s education records within 45 days after the day that BHSN receives a request for access. A student should submit to the BHSN Director’s office or designee, by completing the BHSN form: **Family Educational Rights and Privacy Act (FERPA) Consent to Disclose Student Records** that identifies the record(s) the student wishes to inspect. The BHSN Director or designee 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.

1. The right to request an amendment of the student’s education record that the student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. This right refers to information that the student feels has been documented incorrectly, and is not an avenue to challenge whether a grade or other form of evaluation is appropriate.
 - a. A student who wishes to ask the school to amend a record should write the school official responsible for the record, clearly identifying the part of the record the student wants changed, and specify why it should be changed.
 - b. BHSN Director will notify the student in writing of its decision and provide information regarding the student’s right to file a formal grievance if the request for amendment was denied.

B. Personally Identifiable Information (PII)

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.

BHSN discloses education records without student prior written consent to BHSN officials outside the school who have a legitimate educational interest in some or all of the information. A BHSN official is a person employed by BHSN in an administrative, supervisory, academic, research, or support staff position. Generally, the BHSN officials who will have most routine access are those in BHSN School of Nursing Administration, Bridgeport Hospital Employee Health, Bridgeport Hospital Security, and Yale New Haven Health System (YNHHS) Information Technology. Officials will have access to student PII only on an as needed basis, and not necessarily the entire student record. BHSN will also grant access to other School officials who require the information in order to fulfill his or her professional responsibilities as authorized by FERPA.

Other officials who may require access to some or all of the student record include officials at the Yale New Haven Health System, or a student or faculty member serving on an official committee, such as a disciplinary or grievance committee. BHSN may also share student records with a volunteer or contractor outside of BHSN 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 IT contractor, attorney, auditor, or collection agent or a volunteer assisting another School official in performing his or her tasks.

1. The right to file a complaint with the U.S. Department of Education concerning alleged failures by BHSN 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 20202-8520

2. BHSN Directory Information Includes, but is not limited to
 - Student's name
 - Address
 - Telephone Number
 - BHSN e-mail address or personal email address
 - Photographs or videos of student
 - Date and place of birth
 - Major Field of Study
 - Grade Level
 - Year in Program
 - Enrollment status (e.g., full-time or part-time)

- Dates of attendance
 - Degrees, honors and awards received
 - Annual yearbook
 - Date of graduation, graduation commencement program
 - Most recent educational agency or institutions attended
 - School or college affiliation
 - Participation of School sponsored extracurricular
 - Name or address of parents or guardian
3. Directory information of students at BHSN is subject to public disclosure until and unless the student presents a written request to the School, by completing the **BHSN Request to Withhold Directory Information Form**, indicating that he/she does not authorize such disclosure and submits it to the BHSN Admissions Office. The restriction will remain in effect until the student signs a release.

C. Notification and Disclosures

FERPA permits a postsecondary institution to disclose PII from the student's education records without obtaining prior written 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 School to record the disclosure. Eligible students have a right to inspect and review the record of disclosures.

1. To other school officials, including instructors/faculty within BHSN 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.
2. 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)).
3. 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 school's state-supported education programs. Disclosures under this provision may be made, subject to 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.

4. 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.
5. 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.
6. To accrediting organizations to carry out their accrediting functions.
7. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a) (8)).
8. Information the school has designated as “directory information” under §99.37. (§99.31(a) (11)).
9. 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)).
10. 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))
11. To appropriate officials in connection with a health or safety emergency.
12. 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.

BHSN will provide an annual notification to students regarding its FERPA policy and instructions on how to restrict the disclosure of directory information.

If you agree that BHSN can disclose your Directory information, there is no need for you to take any action.

Procedure:

- A. The right to inspect and review the student’s education records within 45 days after the day that BHSN receives a request for access.

1. A student should submit to the BHSN Director’s office or designee, by completing the BHSN form: **Family Educational Rights and Privacy Act (FERPA) Consent to Disclose Student Records** that identifies the record(s) the student wishes to inspect.

2. The BHSN Director or designee 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.
3. A student who wishes to ask the school to amend a record should write the school official responsible for the record, clearly identifying the part of the record the student wants changed, and specify why it should be changed.
4. BHSN Director will notify the student in writing of its decision and provide information regarding the student's right to file a formal grievance if the request for amendment was denied.

B. BHSN will release directory information for all students unless otherwise instructed by a student, in writing.

1. It is the student's responsibility to request that directory information be restricted by completing the BHSN form:

Request to Withhold Directory Information Form and submitting the form to the BHSN Admissions Office.

2. A student may submit a directory information restriction request at any time during the academic year; however, the request can only be honored for future publication and cannot be applied retroactively.

C. **BHSN** will provide a copy of BHSN's FERPA Policy to all enrolled students on an annual basis.

1. A student's acknowledgment of their responsibility to read the information contained in the Student Handbook serves as annual notice of BHSN's FERPA policies.