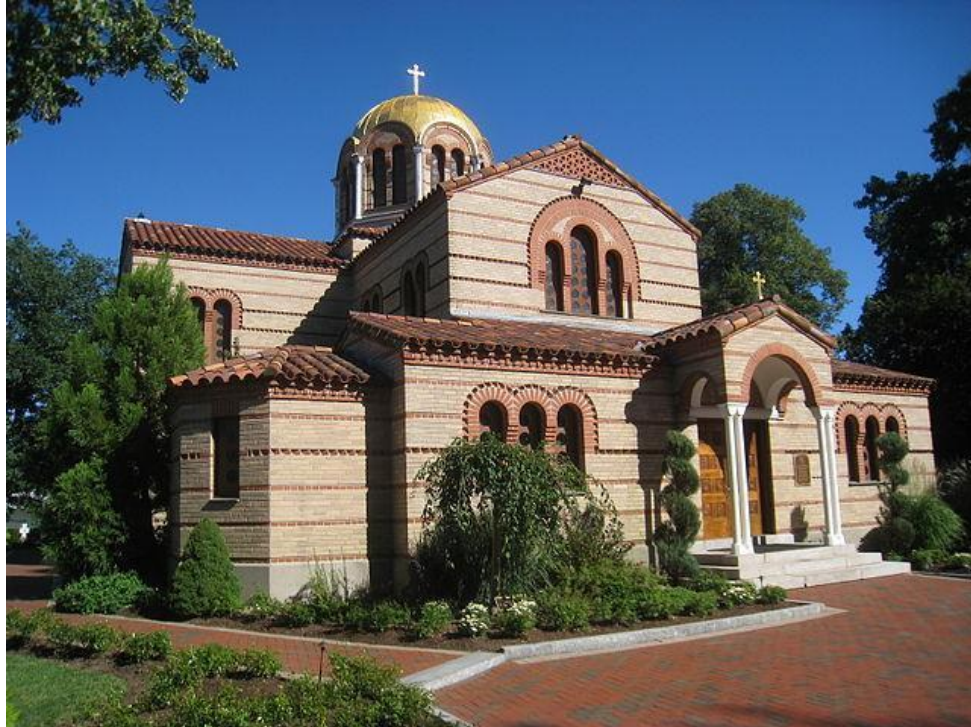




Family Education Rights and Privacy Act





FERPA Confidentiality

The Registrar maintains student academic records and ensures that student rights are protected under the **Family Education Rights and Privacy Act of 1974 (FERPA)**.

FERPA is a federal law which states that: (a) the college must have a written institutional policy governing education records, and (b) that HCHC make available a statement of adopted procedures covering the privacy rights to students. FERPA provides that the HCHC will maintain the confidentiality of student education records and permit student access to them in accordance with law.

Students will be notified of their FERPA rights annually by publication in the Student Handbook.

Definition of Education Records under FERPA

FERPA defines education records as any information recorded in any way, including but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche which contains information directly related to a student and which are maintained by HCHC or a person acting for the HCHC. A student is any individual who is or has been in attendance at the HCHC. A student's attendance commences upon the individual's acceptance of admission and payment of the required deposit.

The term "education record" does not include records of instructional, supervisory, and administrative personnel, and educational personnel ancillary thereto that are in the sole possession of the maker of the record and which are not accessible or revealed to any other person except a substitute; records on a student who is 18 years of age or older that are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional or paraprofessional capacity, or assisting in that capacity and in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, provided, however, that such records can be



personally reviewed by a physician or other appropriate professional of the student's choice; records of students as employees unless the employment results from the employee's status as a student; and alumni records (records that are created or received by HCHC after an individual is no longer a student and that are not directly related to the individual's attendance as a student).

Access to Records

No one outside HCHC shall have access to, nor will HCHC disclose students' education records without the written consent of students except as permitted by FERPA. FERPA permitted disclosures include, but are not limited to, disclosures to HCHC officials with legitimate educational interests, persons or organizations providing students financial aid, accrediting agencies carrying out their accrediting function, parents of a student who is their "dependent" for federal tax purposes, and persons in connection with a health or safety emergency. HCHC's decision to release information that is covered by a FERPA exception is discretionary with the HCHC. HCHC will also release information in compliance with a judicial order or lawfully issued subpoena. In most cases the HCHC will make a reasonable attempt to notify the student of the order or subpoena in advance of compliance at the student's last known address.

A "school official" is a person employed by the HCHC in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the HCHC has contracted as its agent to provide a service instead of using HCHC employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, 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 HCHC.

HCHC also responds to requests for information pursuant to applicable Federal Laws.

Disclosure of Education Records with the Student's Consent



The HCHC will disclose a student's education records at a student's request when the HCHC receives a signed and dated written consent from the student that specifies: (i) the records that may be disclosed; (ii) the purpose for which they may be disclosed; and (iii) the persons or classes of persons to whom they may be disclosed. The HCHC will comply with requests only after using reasonable methods to identify and authenticate the identity of the student and the designated recipients of the education records.

Directory Information

At its discretion the university may provide Directory Information in accordance with the provisions of FERPA to include: Name, Local Address, Permanent Address, Name of Parent(s)/Guardian(s), Local Phone Number, Dates of Attendance, Degrees Earned, Dates of Degrees, Awards/Honors/Scholarships, Majors, Minors, Sports and Activities, Height and Weight of Members of Athletic Teams, Advisor, and Computer User Name. It should be known that it is the university's choice to release information, and careful consideration is given to all requests to ensure that the information is not released indiscriminately. A student may withhold all Directory Information by notifying the Registrar's Office in writing. Requests for non-disclosure will be honored by the university until the Office of Equity and Compliance is notified in writing by the student to remove the action.

Review Process

FERPA provides students with the right to inspect and review information contained in their education records, to challenge the contents of their education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panel are unacceptable. The Office of Equity and Compliance has been designated by the university to coordinate the inspection and review procedures for student education records. Students wishing to review their education records must make written requests to the Office of Equity and Compliance listing the item or items of interest. Records covered by FERPA will be made available within 45 days of the request. All documents will be reviewed in the presence of a designated official. A student has copies of any



document he/she sees, unless a financial hold exists, the document involves another person, or the student has waived his/her right to access. These copies will be made at the student's expense.

Restricted Information

As outlined by FERPA, a student may not inspect and review the following: financial information submitted by parent(s)/guardian(s); letters of recommendation to which the student has waived the rights of inspection and review; records upon which admission decisions were made; or education records containing information about more than one student, in which case the university will permit access only to the part of the record which pertains to the inquiring student. The university is not required to permit a student to inspect and review confidential letters and recommendations placed in the files prior to January 1, 1975, provided the letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

Challenge Procedures

A student who believes that the education records contain information that is inaccurate or misleading or otherwise in violation of his/her privacy or other rights may discuss the problem informally with the Office of Equity and Compliance. If the outcome of the discussion is that an amendment of record is required, the Office of Equity and Compliance will make the amendment. If the outcome of the discussion is that the record will not be amended, the student will be notified within a reasonable period of time that the records will not be amended, and the student will be informed by the Office of Equity and Compliance of the right to a formal hearing. A request for a formal hearing must be made in writing to the Office of Equity and Compliance who, within a reasonable period of time after receiving such a request, will inform the student of the date, place, and time of the hearing. At the hearing, the student may present evidence relevant to the issues raised and may be assisted or represented by a person of the student's choice. The hearing panel that will adjudicate such challenges will be composed of three members appointed by the Office of Equity and Compliance as follows:



1. A person chosen by the Office of Equity and Compliance
2. A person selected by the student
3. A full-time member of the staff whose responsibilities include knowledge concerning the record which is being challenged

No member of the hearing panel may have a direct interest in the outcome of the hearing.

Recommendations of the hearing panel will be based solely on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the recommendation, and will be submitted to the Director of the Office of Equity and Compliance, who will make the final decision. The education records will be corrected or amended in accordance with the recommendations of the hearing panel if the decisions are in favor of the student. If the decision is unsatisfactory to the student, the student may place with the education record statements commenting on the information in the records or statements setting forth any reasons for disagreeing with the decisions of the hearing panels. The statements will be placed in the education record, maintained as a part of the student record, and released whenever the record in question is disclosed.

A student has the right to submit a written complaint to the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20202-4605, if the student believes that the university has violated the student's right under the Family Education Rights and Privacy Act. Revisions, clarifications, and changes may be made in this policy at any time and without prior notice. Additionally, the Family Compliance Office (FPCO) may, on its own initiative, investigate a potential FERPA violation "when no complaint has been filed or a complaint has been withdrawn." Investigative and Enforcement Provisions (34 C.F.R. 99.62-99.67)

Annual Notification

Students will be notified of their FERPA rights annually by publication in the Student Handbook, as well as through dissemination of the policy via email. This policy is linked to the Traliant training module required for all faculty/staff/students. FAQs may be accessed [here](#).

