



## Policy and Procedure

**Policy Name:** Confidentiality and Disclosure of Educational Records Policy

**Responsible office:** Administration  
**Approved by:** C. Wynd  
**Issued:** 8/1/2015  
**Revisions:** 7/1/2016  
**Current Version Posted:** 7/5/2016

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### Policy Statement

1. Mount Carmel College of Nursing complies with the Family Education Rights and Privacy Act of 1974 (FERPA), as amended, which is designed to provide privacy regarding a student's educational record. 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 at any age.) These rights include:
  - a) The right to inspect and review education records within 45 days of the day the College receives a request for access. Students should submit to the Director of Records and Registration written requests that identify the record(s) they wish to inspect. The Director will make arrangements for access and notify the student of the time and place where the record may be inspected. If the record is not maintained by the Office of Records and Registration, the Director shall advise the student of the correct official to whom the request should be addressed.
  - b) The right to request amendment of the student's education record that the student believes is inaccurate. Students should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the College decides not to amend the record as requested, the College will notify the student of the decision and advise the student of his/her 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.
  - c) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to a school official with a legitimate educational interest (as opposed to a personal or private interest). A school official is a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including MCHS law enforcement unit personnel and MCHS



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information technology); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person who volunteers as a Preceptor to a student in a clinical experience and whose relationship is formalized in an Affiliation Agreement; 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 responsibility. Such a determination must be made on a case-by-case basis by the record's keeper.

- d) The right to file a complaint with the U.S. Department of Education concerning alleged failures by Mount Carmel College of Nursing 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 20202-4605  
<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

2. At its discretion, the College may provide Directory Information in accordance with the provisions of FERPA. Directory Information is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed. Designated Directory Information at Mount Carmel College of Nursing includes the following:

student name, address, telephone number(s), email address, photograph, date of birth, degree and major field of study, dates of attendance, class level, class schedule, expected date of graduation, full-time or part-time status, degrees and awards received (including honors), participation in officially recognized activities, student ID numbers (which are unique but do not grant



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access to protected systems), and most recent previous educational institution attended.

3. Students may withhold the release of Directory Information by contacting the Director of Records and Registration to complete a FERPA Directory Information Disclosure Form. Please note that withholding requests are binding for all information to all parties other than for those exceptions allowed under FERPA. Students should consider all aspects of a Directory Hold prior to filing such a request and be advised that doing so will make this important information unavailable to all who might inquire, including prospective employers, credit agencies, and others to whom students may want this information known or verified. It is recommended that students carefully consider whether privacy of Directory Information outweighs the potential inconvenience of having it withheld.
4. FERPA permits the disclosure of personally identifiable information (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. The College may disclose PII from the education records without obtaining prior written consent of the student:
  - To other school officials, including teachers, within the 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)(3) 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



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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



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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))
5. Faculty or staff may be asked by students to provide letters of reference or recommendation. Statements made in a recommendation that are from the recommender's personal observation or knowledge do not require a written release from the student who is the subject of the recommendation. However, if PII obtained from a student's education record is included in a letter of recommendation (grades, GPA, etc.), the writer is required to obtain a signed release from the student which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or class of parties to whom the disclosure can be made. If the letter of recommendation is kept on file by the person writing the letter, it becomes part of the student's education record and the student has the right to read it unless he or she has waived that right of access. ([AACRAO FERPA Guide, 2012](#))
6. Students must submit a [Request for Faculty Reference Form \(Nightingmail e-form\)](#) when requesting a letter that will contain PII such as grade information. Once submitted, students are instructed to notify the faculty member from whom they are requesting the reference with the necessary information. The faculty member must then verify that the form has been completed by [viewing the log here](#) before including PII in the letter of reference.

### Forms

1. [Request for Faculty Reference Form \(Nightingmail e-form\)](#)

### Related Information



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1. [US Department of Education Family Policy Office \(2011\): FERPA 101 \[Educational Slides\]](#)
2. [US Department of Education Family Policy Office \(2010\): FERPA and Public Health \[Educational Slides\]](#)