

PRIVACY OF RECORDS RELEASING OF INFORMATION

Bellingham Technical College policy on privacy of records and releasing of information follows the directives outlined in the Family Educational Rights and Privacy Act (FERPA), the federal law governing the protection of educational records. Registered students will be notified of this policy on an annual basis. Others can find the policy in the Bellingham Technical College catalog.

Personally identifiable information will not be released from an education record without the prior written consent of the student, unless an exception has been granted by FERPA (see Exceptions Under FERPA section below).

Rights Under FERPA

FERPA affords students certain rights with respect to their education records:

- (1) *The right to inspect and review the student's education records within forty-five (45) days of the day the college receives a request for access.*

Students should present to the Director of Registration and Enrollment a signed, written request that identifies the record(s) they wish to inspect. The Director of Registration and Enrollment 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 Director of Registration and Enrollment, the director shall advise the student of the college official to whom the request should be addressed. At the time of viewing, the student will present some form of picture identification, such as a valid driver license, before being allowed to view the record.

- (2) *The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.*

Students may ask the college to amend a record they believe is inaccurate or misleading. Students should request forms for this purpose from the Director of Registration and Enrollment. Students should clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.

If the college decides not to amend the record as requested by the student, 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.

- (3) *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 (see Exceptions Under FERPA below).

(4) *The right to file a complaint with the U.S. Department of Education concerning alleged failures of the 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 D.C. 20202-5920

Exceptions Under FERPA

Under certain conditions, as authorized by FERPA, information can be released without student consent:

Directory Information

The term *directory information* is a legal term applying to that information the college can release, without student consent, to any third party with the exception of GED candidates or graduates, and subject to college staff approval. The use of the term *directory information* does not imply that the college actually has documents containing student directory information or that the college has any obligation to produce such a document.

The college has defined *Directory Information* as the following:

- Student Name
- Student e-mail account
- Program of enrollment
- Full-time or part-time Status
- Period of enrollment
- Date of completion
- Degree/Certificate awarded
- Photos/videos of student for use in college press releases, publications, and web sites

The fact that a person has or has not taken a GED test will be treated as confidential information. This information will be released only with written permission by the GED candidate or graduate.

Students have the right to restrict the disclosure of directory information at any time. To restrict the disclosure of directory information, a student may file a signed written request with the Director of Registration and Enrollment. This request to restrict disclosure of directory information will be honored until such time as the student presents signed written notification to the Director of Registration and Enrollment.

U.S. Military

According to federal law, the college must release to the U.S. Armed Forces student name, address, phone number, date of birth, and field of study.

To restrict the disclosure of this information, a student may file a signed written request with the Director of Registration and Enrollment.

Authorized Federal, State, and Local Authorities

Student authorization is not required for disclosure to an authorized representative of the following individuals or entities:

- The Comptroller General of the United States
- The Secretary of the U.S. Department of Education
- State educational authorities
- Any party legitimately connected with the student's application for or receipt of financial aid
- Accrediting organizations
- Agencies involving an audit or evaluation of compliance with education programs
- Organizations conducting studies for or on behalf of educational institutions.

Other Institutions

Information can be released to other schools to which a student seeks or intends to enroll.

Emergency Situations

Information can be released to law enforcement personnel, emergency personnel, and college officials in an emergency in order to protect the health or safety of students or other persons.

Legitimate Educational Interest

Officials of the college who are determined by the college to have a legitimate educational interest may have access to student records without obtaining consent from the student.

“Officials of the college” is defined as

- persons employed by the school in an administrative, supervisory, academic, research, or support staff position;
- persons serving on school governing bodies;
- persons employed by or under contract to the college to perform a specific task, such as an attorney;
- auditors;
- persons or companies with whom the college has contracted (such as attorneys; third party services, such as National Student Clearinghouse; auditors or collection agents/agencies);
- persons serving on the Board of Trustees; or
- students serving on official committees (such as a disciplinary or grievance committee) or who are assisting other school officials in performing their tasks.

An official of the college has a legitimate educational interest if they need to

- perform duties specified in their job description or under terms of contractual agreement;

- provide campus services related to a student, such as advising, financial aid, and counseling; or
- conduct tasks related to a student's education or campus discipline.

Judicial Order

Information must be released to comply with a judicial order or lawfully issued subpoena. The college will make a reasonable effort to notify the student of the order or subpoena in advance of compliance so that the student may seek protective action. However, if the court (or other issuing agency) has ordered that the existence or the contents of the subpoena or judicial order not be disclosed, the college will comply, and notification to the student will be withheld.

Grievance Hearing

Information about a student or students involved in a grievance investigation or grievance hearing may be released to members of the grievance committee, including any students assigned to that committee, if such information is germane to the investigation or hearing.

Disciplinary Hearing

The results of a disciplinary hearing may be released to an alleged victim of a crime of violence without the permission of the accused.

Bellingham Technical College Foundation

Student names and addresses may be released to the Bellingham Technical College Foundation for foundation-related activities. The foundation is considered part of the college and will hold confidential such information, using the information only in specific activities intended to aid and support the college. Release of such information to the foundation will be made only with the approval of the college president or his/her designee.

U.S. Patriot Act

The college must release, without consent or knowledge of the student, personally identifiable information from a student's education record to the Attorney General of the United States or his/her designee in connection with the investigation or prosecution of terrorism crimes specified in sections 233b (g)(5)(B) and 2331 of Title 18, U.S. Code.

Written Release

Personnel employed by the college who have consent in the form of a written release of information signed by the student may disclose student information to appropriate outside agencies or persons.

DATE ADOPTED: July 1, 1991

DATE(S) REVISED: January 11, 2008

DATE(S) REVIEWED: