

Berkeley College Notification of Student Rights under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords current and former students certain rights with respect to their Education Records. These rights include:

- (1) **The right to inspect and review your Education Records (with certain limited exceptions) within 45 days of the day Berkeley College receives your written request for access.** You should submit your written request to the Registrar's Office clearly identifying the record(s) you wish to inspect. The Registrar's Office will make arrangements for access and notify you of the time and place where the records may be inspected. FERPA does *not* require an institution to provide copies of records to students, unless circumstances effectively prevent a student from exercising the right to inspect and it is not possible to make other arrangements for inspection. In any situation where disclosure is authorized, the College may determine, in its sole discretion, whether to provide or charge for copies.
- (2) **The right to request the amendment of any Education Records that you believe are inaccurate, misleading, or otherwise in violation of your privacy rights under FERPA.** You should submit any such request to the Registrar's Office clearly identifying the part of the record you wish to have amended, specifying the reasons for the amendment request. The Registrar's Office will notify you of the decision, and, if the College decides not to amend the record as requested, you will be notified of your right to challenge the College's decision not to amend. Additional information regarding the process and procedures for the challenge will be provided to you at that time.
- (3) **(a) The right to provide written consent before Berkeley College discloses personally identifiable information from certain Education Records:**

FERPA WAIVER: You can waive your rights to privacy in some or all of your Education Records and authorize disclosure of such information to another person(s) by completing and submitting an **eform FERPA Waiver**, located on the Berkeley College website under the "Student and Career Services" tab, Forms and Publications, Finance section, here:

<https://transforms.berkeleycollege.edu/iFiller/iFiller.jsp?fref=6ea5fc31-b08f-4290-b67b-a9cba033d8a6>
Authorization to disclose information from Education Records does not obligate the College to provide copies of records. The College may determine whether to do so in its sole discretion.

(b) FERPA authorizes disclosure of personally identifiable information from your Education Records without consent under certain circumstances:

(i) One such exception allows disclosure to "**school officials**" with "**legitimate educational interests.**" A "school official" is a person employed by Berkeley College in an administrative, supervisory, academic or research, or support staff position; a person or company with whom Berkeley College has contracted to provide a service to or on behalf of Berkeley College (such as an attorney, auditor, verification service, consultant or collection agent); a person serving on the Board of Trustees of Berkeley College; 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 individual needs to review an Education Record in order to fulfill his or her professional responsibilities to the College.

(ii) Another such exception allows Berkeley College to disclose your "**Directory Information,**" consisting of:

- *Student name, address, telephone number, email address, student number
- *Date and place of birth
- *Major fields of study
- *Participation in officially recognized activities and sports
- *Dates of attendance

- *Degrees, honors and awards received
- *Most recent previous school attended
- *Likeness (photograph, video or other form).

Students who wish to have their Directory Information withheld must notify the Registrar's Office in writing via the **FERPA DIRECTORY INFORMATION OPT-OUT eFORM**, located on the Berkeley College website under the "Student and Career Services" tab, Forms and Publications, Finance section, here: <https://transforms.berkeleycollege.edu/iFiller/iFiller.jsp?fref=8512d944-7ee1-4ebb-9cbf-268f71a0a5ba>

(iii) Upon request, Berkeley College may also disclose Education Records without consent to officials of another school in which a student seeks or intends to enroll or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer.

(iv) Information regarding **other exceptions** is available through the Registrar's Office and online in Berkeley College's *Student Records Policy* found at http://berkeleycollege.edu/files_bc/FERPA_Notice_Berkeley_1099.pdf

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by Berkeley College to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA is as follows:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901