

For the purposes of this policy:

Student refers to any person who attends or has attended Berkeley College.

Education records refer to any records (in handwriting, print, tape, film, computerized form or other medium) maintained by Berkeley College or an agent of the College which are directly related to a student, *except*:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to other persons except a temporary substitute for the maker of the record;
2. Records created and maintained by the College for law enforcement purposes;
3. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment;
4. Records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment; and
5. Alumni records which contain information about a student after he or she is no longer in attendance at the College and which do not relate to the person as a student.

FERPA refers to the Family Educational Rights and Privacy Act of 1974, as amended.

ANNUAL NOTIFICATION

Students will be advised of this policy at least annually via electronic mail and the policy is available for review online. In addition, a hard copy of this policy will be available in the Office of Student Development and Campus Life and the Admissions Office.

PROCEDURE TO INSPECT EDUCATION RECORDS

Students may inspect and review their education records upon request to the appropriate record custodian.

Students should submit to the Registrar a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The Registrar or an appropriate college staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 45 days or less from the receipt of the request.



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When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

RIGHT OF COLLEGE TO REFUSE ACCESS

Berkeley College reserves the right to refuse to permit a student to inspect the following records:

1. The tax returns or other financial information of the student's parents;
2. Letters and statements of recommendation for which the student has waived his or her right of access or which were placed in file before January 1, 1975;
3. Records connected with an application to attend Berkeley College if that application was denied; and,
4. Those records which are excluded from the FERPA definition of education records.

REFUSAL TO PROVIDE COPIES

Although the College will not deny students access to records required by FERPA, Berkeley reserves the right to deny *copies* of records to a student if:

1. The student has an unpaid financial obligation to the College; or
2. There is an unresolved disciplinary action against the student.

FEEES FOR COPIES OF RECORDS

The fee for copies will be \$.20 per page.

TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS

The following is a list of the types of records that the College maintains, their locations, and their custodians.

Record Type	Location of Records	Custodian
Admissions	Registrar's Office	Registrar
Academic		
Disciplinary		
Financial Aid	Financial Aid Office	Financial Aid Director
Student Account Information	Student Accounts Office	Student Accounts Director

DISCLOSURE OF EDUCATION RECORDS

Berkeley College will disclose information from a student's education records only with the written consent of the student, *except*:

1. To school officials who have a legitimate educational interest in the records.

As used above, a *school official* refers to:

A person employed by the College in an administrative, supervisory, academic, research or support staff position;

A person elected to the Board Trustees; or

A person employed by or under contract to the College to perform a special task, such as an attorney or auditor.

A school official has a *legitimate educational interest* if the official is:

Performing a task that is specified in his or her position description or contract;

Performing a task related to a student's education;

Performing a task related to the discipline of a student; or

Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

2. To officials of another school, upon request, in which a student seeks or intends to enroll. (NOTE: In this case, Berkeley will make a reasonable attempt to notify the student of the request);
3. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs;
4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid;
5. If required by a state law requiring disclosure that was adopted before November 19, 1974;
6. To organizations conducting certain studies for or on behalf of the College;



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7. To accrediting organizations to carry out their functions;
8. To comply with a judicial order or a lawfully issued subpoena. (NOTE: In this case, Berkeley will make a reasonable attempt to notify the student prior to compliance);
9. To appropriate parties in a health or safety emergency;
10. Directory information so designated by the College;
11. The results of any disciplinary proceeding conducted by the College against an alleged perpetrator of a crime of violence to the alleged victim of that crime; and
12. To a parent of a student regarding the student's violation of any federal, state or local law, or any rule or policy of the College, governing the use or possession of alcohol or a controlled substance if (A) the College determines that the student has committed a disciplinary violation with respect to that use or possession and (B) the student is under the age of 21 at the time of the disclosure to the parent.
13. To person(s) designated by the student upon written request.

RECORDS OF REQUESTS FOR DISCLOSURE

Berkeley College will maintain a record, kept with the education records of each student, of each instance when access to the student's education records has been requested or obtained, except when access is to school officials or approved in advance by the student. The record will indicate the name of the party making the request, any additional party to whom it may be re-disclosed and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the student.

DIRECTORY INFORMATION

Berkeley designates the following items as *Directory Information*: student name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, most recent previous school attended and photograph. **The College may disclose Directory Information without prior written consent, unless notified in writing to the contrary within fourteen (14) days after the student's first day of class at the College. Written notice should be submitted to the College Registrar or Dean, Advisement.**

CORRECTION OF EDUCATION RECORDS

Students have the right to ask to have records corrected which they believe are inaccurate, misleading or in violation of their privacy rights. The following are the procedures for the correction of records:

1. A student must ask the appropriate record custodian, in writing, to amend a record. In so doing, the student should identify the part of the record he or she wants changed and specify why he or she believes it is inaccurate, misleading or in violation of his or her privacy or other rights.
2. Berkeley may comply with the request or it may decide not to comply. If it decides not to comply, the College will notify the student of the decision and advise him or her of the right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights.
3. Upon request, Berkeley will arrange for a hearing, and notify the student, reasonably in advance, of the date, place and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the institution. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.
5. The College will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the College decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will notify the student that he or she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the College discloses the contested portion of the record, it must also disclose the statement.
8. If Berkeley decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

Students have the right to file a complaint with the U.S. Department of Education regarding alleged non-compliance with FERPA.