

## **FERPA Annual Notice for Students**

Colleges are required to provide students an annual notification of their rights under the Family Rights and Privacy Act of 1974 (“FERPA”). Carrington College’s (“Carrington”, “School”, or “College”) policy is listed below and is also available in the Carrington College Student Handbook which may be accessed at:

<https://docs.carrington.edu/forms/hand-books/2021/Carrington-College-Student-Handbook-2021.pdf>

If you have additional questions regarding FERPA, your rights under the law, or would like to see your student records, please contact the college at [STUDENTAFFAIRS@CARRINGTON.EDU](mailto:STUDENTAFFAIRS@CARRINGTON.EDU).

### **FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)**

Carrington College respects the rights and privacy of its students and acknowledges the responsibility to maintain confidentiality of personally identifiable information. FERPA is a federal law that affords students’ rights with respect to their education records. Generally speaking, an education record is a record which contains information that is personally identifiable to a student and which is maintained by Carrington. Under FERPA, certain types of records (for example, confidential reference letters, certain security records, and records kept by school officials for their own personal reference) are exempted from the definition of an education record and are not made available to students. FERPA affords students the following rights with respect to their education records:

#### **THE RIGHT TO INSPECT AND REVIEW ONE’S OWN EDUCATION RECORDS**

Students have the right to review their education records within 45 days of the day that Carrington receives their request. Students should submit written requests to the registrar that identify the record(s) they wish to inspect. Carrington will make arrangements for access and notify the student of the time and place where the records can be inspected. If the person to whom the student submits the request does not maintain the requested records, that person will either reroute the request or advise the student of the correct Carrington official to whom the request should be addressed.

#### **THE RIGHT TO SEEK AN AMENDMENT OF INACCURATE OR MISLEADING INFORMATION**

Students may ask Carrington to amend a record they believe is inaccurate or misleading. They should write to the Carrington official responsible for the record, clearly identify the part of the record they believe should be changed and specify why it is inaccurate or misleading. If Carrington decides not to amend the record as requested by the student, the student will be notified of the decision and advised 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 they are notified of the right to a hearing. Following the hearing, if Carrington still decides not to amend the record, the student has a right to place a clarifying statement in the record. Carrington is not required to consider requests for amendment to grades or disciplinary decisions

#### **THE RIGHT TO LIMIT DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION**

Students have the right to limit disclosure of personally identifiable information contained in their educational records, except to the extent that FERPA authorizes disclosure without consent. For example, exceptions that permit disclosure without a student’s consent are disclosure to College

officials who have legitimate educational interests in the records, and the disclosure of directory information. A “legitimate educational interest” is when a Carrington School Official needs to review an education record in order to fulfill a professional responsibility for Carrington. A Carrington School Official is a person employed by Carrington in an administrative, supervisory, and academic or research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Governors; or a student serving on an official committee, such as disciplinary or grievance committee. Additionally, a Carrington School Official may include a company with whom the Institution is affiliated; a volunteer or contractor outside of Carrington who performs an institutional service of function for which the College would otherwise use its own employees and who is under the direct control of the College with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student assisting another Carrington School Official in performing his or her tasks.

Directory information is not considered to be harmful or an invasion of privacy if disclosed. FERPA generally considers directory information to be public information which can be disclosed without a student’s consent. However, if a student requests to have his or her directory information withheld, the information will be maintained in accordance with a student’s other education records. Students’ requests to withhold directory information should be directed to the local Assistant Dean of Academic Excellence, who will ask the student to complete a Request to Withhold Directory Information form to allow for recording this in Carrington’s student information system. Directory information includes:

- Student’s name(s);
- Student’s address(s);
- Student’s telephone number(s);
- Student’s email address(s);
- Student’s campus email address;
- Student’s dates of attendance;
- Student’s major field of study (program);
- Student’s honors and awards; and,
- Student’s current enrollment status;

Other exceptions apply that allow Carrington College to disclose a student’s information without their consent. For questions about Carrington’s FERPA policy, contact the local Campus Academic Dean.

## **THE RIGHT TO FILE A COMPLAINT**

The right to file a complaint with the U.S. Department of Education if the institution fails to comply with FERPA requirements. Complaints should be directed to:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

## **DIRECTORY INFORMATION**

The Family Educational Rights and Privacy Act (FERPA) designates certain student information as “Directory Information” and gives the institution the right to disclose such information without having to ask students’ permission. In accordance with FERPA, the College may release directory information to

third parties without prior consent of students. Directory information may be disclosed by the College at its discretion for any purpose including, but not limited to, requests from law enforcement agencies and degree verification requests from prospective employers.

It is the policy of Carrington that except as permitted by state or federal law no record, file, document, or other material, or personally identifiable information contained therein, shall be released to any individual, agency, or organization without the express written consent of the student.

### **TO WITHHOLD INFORMATION**

Currently enrolled Carrington College students may choose to withhold disclosure of their directory information by obtaining the Request to Withhold Directory Information form from the Campus Academic Dean, completing the form, and returning it to the campus. The College will honor a student's request to withhold directory information; however, the College cannot assume responsibility for subsequently contacting the student for permission to release information to prospective employers, relatives, or other persons.

The failure on the part of any student to specifically request that his or her directory information be withheld indicates individual approval for disclosure. Additionally, the student's request to withhold directory information will not affect previous disclosures made by the College prior to receipt of the request. Once the form is filed, this request becomes a permanent part of the student's record and no information may be released until the student instructs the institution otherwise by completing the Rescinding Authorization section of the Request to Withhold Directory Information.

### **PERSONAL IDENTIFYING INFORMATION (PII) AND FERPA DISCLOSURES WITHOUT CONSENT**

FERPA permits the disclosure of 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. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student:

- To other school officials, including teachers, within the school 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)(l)(i)(B)(J)-(a)(l)(i)(B)(2) are met. (§99.31(a)(l)).
- 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 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 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)).

## DECEASED STUDENTS

The privacy rights of an individual expire with the individual's death. Records held by Carrington College for a deceased person are not a FERPA issue but a matter of institutional policy. Carrington College will exercise its own discretion in deciding, if, and under what conditions, information should be disclosed to third parties or survivors.

***If you have any questions about your FERPA rights, please see your Campus Academic Dean***