



Policy Number and Title:	100.110 BMCC FERPA Compliance Policy		
Approval Authority:	BMCC Board of Regents	Date Effective:	03/18/2022
Responsible Office:	Administration	Responsible Office Contact:	President

1. POLICY STATEMENT

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, governs the privacy of, and access to, students' educational records maintained by the Bay Mills Community College (BMCC). FERPA allows students to review and inspect their education records, the right to control who has access to their records, and the right to request an amendment to their education records. The purpose of this policy is to ensure that BMCC, and its employees, consistently comply with all FERPA regulations governing student educational records.

2. ENTITIES AFFECTED BY THIS POLICY

All BMCC Departments.

3. WHO SHOULD READ THIS POLICY

All BMCC employees.

4. WEB SITE ADDRESS FOR THIS POLICY

-The URL is at:

<http://www.bmcc.edu/about-bmcc/governance-administration/college-policies>

5. FORMS/INSTRUCTIONS

No forms are required.

6. HISTORY

-Created: 11/19/2021; revised 03/18/2022.

-Next Review Date: 11/19/2024

-BMCC reserves the right to revise policies at any time.

7. THE POLICY

100.110 BMCC FERPA Compliance Policy

I. PURPOSE

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, governs the privacy of, and access to, students' educational records maintained by the Bay Mills Community College (BMCC). FERPA allows students to review and inspect their education records, the right to control who has access to their records, and the right to request an amendment to their education records. The purpose of this policy is to ensure that BMCC, and its employees, consistently comply with all FERPA regulations governing student educational records.

II. SCOPE

All BMCC employees (faculty, employees, student employees, interns, and volunteers) and contracted third-party vendors, who have access to student education record information, are subject to this policy and must comply with FERPA. This policy should be interpreted consistently with FERPA and its implementing regulations and amendments. If there is a conflict between any BMCC policy and FERPA, the provisions of FERPA will govern.

III. STUDENT RIGHTS SUMMARY

- A. A BMCC student's FERPA rights are in effect beginning the first day of the student's first term of enrollment and apply to all students who attend or have attended BMCC regardless of age. A student who has graduated or stopped attending BMCC continues to have FERPA rights. FERPA does not apply to deceased students, but the 500.101 BMCC Disaster Recovery Plan Policy protects their records.
- B. BMCC students have the following rights under FERPA:
 - a. The right to inspect and review their education records;
 - b. The right to request amendment of their education records;
 - c. The right to control disclosure of their education records through prior written consent, with certain exceptions; and,
 - d. The right to file a formal complaint with the United States Department of Education concerning alleged failures of BMCC to comply with FERPA requirements.
 - e. For more information, see FERPA regulations.
- C. BMCC will annually notify students of their rights under FERPA via email. In addition, BMCC posts FERPA information on its website.
- D. The BMCC Registrar is designated as the "Records Officer" as required by the FERPA Act. Education records generally include documents and information related to admissions, enrollment in classes, grades, and related academic information.

- E. "Directory Information" means information in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. BMCC defines directory information as the student name, major and degree earned, and dates of attendance.
- F. "Limited Use Directory Information" is defined as photographs, videos, or other media containing a student's image or likeness (collectively, "student images") and BMCC-issued student electronic mail addresses ("email addresses"). BMCC restricts Limited Use Directory Information to:
1. publication in official BMCC publications or on social media sites or websites hosted or maintained by, on behalf of, or for the benefit of BMCC, including the internal email system;
 2. BMCC officials who have access to such information and only in conjunction with a legitimate educational interest, per FERPA;
 3. external parties contractually affiliated with BMCC, provided such affiliation requires the sharing of Limited Use Directory Information.
 4. Audio or video recorded by BMCC, for instructional and educational purposes only;
 - i. name, to the extent it is referenced or captured during the audio or video recording;
 - ii. any photograph or image of the student captured during the audio or video recording;
 - iii. any audio or video recording of the student participating in the course; and,
 - iv. any online chats or other recorded communications among participants in the course captured during the audio or video recording.
 - v. BMCC may only disclose the above information to other students enrolled in the same course.
 - vi. A student who requests to withhold this Limited Use Directory Information from disclosure may limit the extent to which they will participate in the course.
 - vii. BMCC prohibits students from recording class sessions or sharing or distributing BMCC recordings of class sessions to protect the privacy of other students.
- F. BMCC, through its Registrar, does not sell, publish or otherwise compile or distribute directory lists for purely commercial purposes. Exceptions for other purposes are made on a case by case basis, subject to the approval of the President, and include the Solomon Amendment-military recruiter exception.

IV. EMPLOYEE RESPONSIBILITIES

- A. All BMCC employees, faculty, staff, student employees, interns, and volunteers must comply with FERPA.
- B. All BMCC employees, faculty, staff, student employees, and interns must complete annual FERPA training. The BMCC Human Resources Department will assign the required training annually.
- C. All BMCC student employees, interns, and volunteers are required to sign and comply with the BMCC Student Employee Confidentiality Agreement. The BMCC Human Resources Department will ensure that the Agreement is signed and maintain records thereof.
- D. Third-party vendors that will have access to education record information must comply with any applicable FERPA requirements and have that provision included in their contracts with BMCC.
- E. Employee Access to Personally Identifiable Information in Student Records
 - 1. All employees may not access Personally-Identifiable information in student Education Records unless they have a legitimate educational interest.
 - a. "Personally Identifiable" Information is defined as the name of a student, the student's parent, or a member of the student's family; the address of a student or a member of the student's family; a personal identifier such as the student's Social Security Number; an indirect identifier such as date or place of birth, mother's maiden name, and other information that is linked to a specific student.
 - b. Employees have a legitimate educational interest in Education Record information only if necessary to obtain the information to carry out their assigned duties to BMCC.
 - c. Employees who access Education Records according to a legitimate educational interest may not re-disclose that information except per FERPA rules and this policy. In addition, employees may not use the information for any purpose other than legitimate educational interests, as defined above.
 - 2. Employees may not otherwise access student records without the written consent of the students.
 - 3. Employees found to have violated these provisions may be subject to disciplinary action up to and including termination depending on the circumstances.
 - 4. The Office of the President shall be responsible for investigating and responding to any FERPA violations.