

Student Rights Under the Family Education Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day MTI College ("College" or "the college") receives a request for access.

A student must submit to the dean a written request that identifies the record(s) the student wishes to inspect. The dean or another appropriate school official will make arrangements for access and notify the student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask MTI College to amend a record must submit a written request to the dean clearly identifying the part of the record the student wants changed, and specify why it should be changed. If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and of the student's right to appeal.

3. The right to provide written consent before the College discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. A form to provide written consent may be obtained from the dean.

Under FERPA, MTI College may disclose information from a student's education records without the student's prior written consent when the disclosure is to school officials with legitimate educational interests. A school official typically includes a person employed by the College in an administrative, supervisory, academic, research, or support staff position; a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the College who performs an institutional service or 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 volunteering to assist another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College. In addition, the College may disclose education records without consent to officials of another school in which a student seeks or intends to enroll.

MTI College also may disclose a student's PII without consent and without violating the FERPA rules when such information is considered "directory information", unless the student has restricted access to their personal information. The following items are considered directory information for this purpose: student name, email address, address, telephone number, program and curriculum, enrollment status (e.g. actively attending), dates of attendance, participation in officially recognized activities, photography, receipt of diploma or degree, and academic awards received.

While attending, students may request to restrict the release of their directory information except to College officials with a legitimate educational interest. In order to restrict all information, a signed and dated request must be made in writing to the dean. The form may be obtained from the dean. Should the student graduate or otherwise leave the College, this restriction will remain in place until the student requests for it to be removed. Please note: If a blanket restriction makes a student's entire record confidential, no information can be shared about the individual without the student's written consent. In such a case, problems may occur thereafter when potential employers or other parties make inquiries about the student.

The College is permitted to disclose personally identifiable information from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. The College is required to maintain a record of disclosures of student information with the exception of 1) disclosures to school officials, 2) disclosures related to some judicial orders or lawfully issued subpoenas, 3) disclosures of directory information, 4) disclosures for which the student has given written consent, and 5) disclosures to the student (ref. § 99.32 of FERPA regulations). The request and the disclosure of information is to be documented by the dean in the FERPA Disclosure Log and in Campus Vue (CV). Eligible students have a right to inspect and review the disclosure log which is maintained by the dean.

The College may disclose personally identifiable information from an education record of a student without the consent required by §99.30 if the disclosure meets one or more of the following conditions:

- To other school officials, including teachers, within MTI College 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)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- 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 College'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)) *Please note: MTI College will not release information under this condition without the student's consent.*
- 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))

- The right to file a complaint with the U.S. Department of Education concerning alleged failures by 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, DC 20202

Reference: 34 CFR §99.30-§99.33