

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

OTC is covered by the Family Educational Rights and Privacy Act, also known as the Buckley Amendment, which provides for the privacy of students and their parents regarding access and disclosure of records maintained by the College. The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. They are:

**The right to inspect and review the student's education records within 45 days of the day Ouachita Technical College receives a request for access.**

Students should submit to the registrar, chair of the academic department, or other appropriate official, written request that identify the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

**The right to request the amendment of the student's education records that the student believes is inaccurate or misleading.**

Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student 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 notified of the right to a hearing.

**The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.**

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; 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 official needs to review an education record in order to fulfill his or her professional responsibility.

These items are designated as "Directory Information" and may be released for any purpose at the discretion of our institution:

- name;
- address;
- major field of study;
- participation in officially recognized activities;
- dates of attendance;• degrees and awards received;
- attendance status
- the most recent educational institution attended;
- or other similar information.

Please consider very carefully the consequences of any decision by you to withhold any category of "Directory Information." Should you decide to inform the institution to not release any or all of this "Directory Information," any future requests for such information from non-institutional persons or organizations will be refused.

The College will honor your request to withhold any of the categories chosen but cannot assume responsibility to contact you for subsequent permission to release them. Regardless of the effect upon you, the college assumes no liability for honoring your request that such information be withheld.

If a student chooses not to have directory information disclosed (such as in a graduation program, etc), they must describe, in writing, the information to be excluded to the Registrar within 18 calendar days from the first scheduled day of the term. Requests will be honored for one term only; therefore, requests must be filed each term.

You have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Ouachita Technical 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 20202-460**

The Office of the Registrar in the Division of Student Affairs is responsible for maintenance and security of student records and for making them available for counseling, advising and/or for auditing purposes. This information is considered confidential.

Additionally, Ouachita Technical College safeguards student information as mandated by the Gramm-Leach-Bliley Act. The Vice President of Finance and Administration and the Vice President for Student Affairs coordinate and execute the College's Information Security Plan.

### **What are parents' and students' rights under FERPA?**

At the K-12 school level, FERPA provides parents with the right to inspect and review their children's education records, the right to seek to amend information in the records they believe to be inaccurate, misleading, or an invasion of privacy, and the right to consent to the disclosure of personally identifiable information from their children's education records. **When a student turns 18 years old or enters a postsecondary institution at any age**, these rights under FERPA transfer from the student's parents to the student. Under FERPA, a student to whom the rights have transferred is known as an "eligible student." Although the law does say that the parents' rights afforded by FERPA transfer to the "eligible student," FERPA clearly provides ways in which an institution can share education records on the student with his or her parents.

While concerns have been expressed about the limitations on the release of information, there are exceptions to FERPA's general rule that educational agencies and institutions subject to FERPA may not have a policy or practice of disclosing "education records" without the written consent of the parent (at the K-12 level) or the "eligible student."

### **When may a school disclose information to parents of dependent students?**

Under FERPA, schools may release any and all information to parents, without the consent of the eligible student, if the student is a dependent for tax purposes under the IRS rules.

### **Can a school disclose information to parents in a health or safety emergency?**

The Department interprets FERPA to permit schools to disclose information from education records to parents if a health or safety emergency involves their son or daughter.

### **Can parents be informed about students' violation of alcohol and controlled substance rules?**

Another provision in FERPA permits a college or university to let parents of students under the age of 21 know when the student has violated any law or policy concerning the use or possession of alcohol or a controlled substance.

### **Can a school disclose law enforcement unit records to parents and the public?**

Additionally, under FERPA, schools may disclose information from "law enforcement unit records" to anyone - including parents or federal, State, or local law enforcement authorities - without the consent of the eligible student. Many colleges and universities have their own campus security units. Records created and maintained by these units for law enforcement purposes are exempt from the privacy restrictions of FERPA and can be shared with anyone.

## **Can school officials share their observations of students with parents?**

Nothing in FERPA prohibits a school official from sharing with parents information that is based on that official's personal knowledge or observation and that is not based on information contained in an education record. Therefore, FERPA would not prohibit a teacher or other school official from letting a parent know of their concern about their son or daughter that is based on their personal knowledge or observation.

## **How does HIPAA apply to students' education records?**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a law passed by Congress intended to establish transaction, security, privacy, and other standards to address concerns about the electronic exchange of health information. However, the HIPAA Privacy Rule excludes from its coverage those records that are protected by FERPA at school districts and postsecondary institutions that provide health or medical services to students. This is because Congress specifically addressed how education records should be protected under FERPA. For this reason, records that are protected by FERPA are not subject to the HIPAA Privacy Rule and may be shared with parents under the circumstances described above.

## **SUBSTANCE ABUSE POLICY**

Ouachita Technical College is committed to maintaining a drug and alcohol free workplace for students and employees. This is an essential part of ensuring safety, eliminating poor job performance, inefficient operations, College rule violations, or any unethical behavior. The OTC Drug and Alcohol Policy is consistent with the Drug Free School and Communities Act Amendment of 1989. A copy of the policy statement in the *Ouachita Technical College Policy and Procedure Manual* on Drug and Alcohol Free Campus may be obtained from the Office of Student Affairs upon request. (COPP 5.52) The unlawful manufacture, distribution, possession, sale, use or being under the influence of alcohol, a controlled substance, or drug is prohibited at a College facility or while engaged in College-related activities. In addition to College sanctions (disciplinary action up to and including termination or suspension), state and federal laws provide for fines and or/or imprisonment for such activities. The amount of fines and the length of the imprisonment vary according to the type and amount of the substance involved, the offender's past record for such offenses, and a variety of other factors. One particularly relevant fact is that the legal sanctions for the unlawful distribution of drugs increase if the substance is distributed to a person under 21 years of age or within proximity of an educational institution.

### **EDUCATION AND REFERRAL PROGRAMS**

- Alcohol and drug education material is available at OTC for all students, faculty, and staff through the Office of Student Affairs.
- Alcohol and drug policy information will be distributed to students and employees on an annual basis.
- Counselors will make appropriate referrals to community service providers on a case-by-case basis.
- Alcohol and Drug Awareness Week is conducted the week prior to spring break at OTC.
- The National Clearinghouse for Alcohol and Drug Information at 1-800-729-6686 or at their web site at [www.health.org](http://www.health.org) will provide additional information.

For additional information contact the Office of Student Affairs at (501) 337-5000 ext. 1180