

Family Educational Rights and Privacy Act (FERPA) Policy

Students have the right to inspect and review their education records within 45 days after making a request. The procedures for making such requests are available in the various offices where these records are maintained.

- Academic: Registrar, Holy Family Hall, Room 218
- Admissions: Undergraduate Admissions-ETC Room 105
- Financial Accounts: Office of Student Accounts, Holy Family Hall, Room 202
- Judicial Records: Residence Life and Dean of Students, Campus Center, Room 209
- Student Aid: Financial Aid, Holy Family Hall, Room 209

The student has the right to challenge the content of his or her educational record and may, if necessary, request a formal hearing on the matter.

For the purposes of this policy, a student is a person who has enrolled in and attended the University, and an education record is any record directly related to a student and maintained by the University or a party acting for the University, including the student's admissions, disciplinary, academic, financial, cooperative education, and placement files. Education records do not include records of instructional, administrative, and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute; records of Public Safety that were created by Public Safety for the purposes of law enforcement; student health/treatment records; employment records; or alumni records containing only information about an individual after they are no longer a student at the University.

For the purposes of this policy, personally identifiable information includes information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the University community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or other information requested by a person who the University reasonably believes knows the identity of the student to whom the education record relates.

The University may disclose certain personally identifiable information, designated as directory information, concerning students in attendance. The following categories of information have been designated as directory information: *the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, and awards received, the most recent previous educational institution attended, and photos or videos of students participating in public events.* Any student who does not wish directory information released must so inform the Registrar's Office in writing; the hold on directory information will remain in effect until the student writes to request that it be lifted.

The University shall obtain the written consent of the student before disclosing personally identifiable information from the student's educational records, except under certain circumstances provided for by FERPA, as described further below. A record of all disclosure, other than to the subject student, will be maintained by the appropriate office and may be reviewed by the student.

Under FERPA, the University may disclose a student's education records, without consent, to the following parties or under the following conditions. This is not an exhaustive list; see 34 CFR § 99.31.

- University officials with legitimate educational interest;
- Other schools to which a student is transferring/seeks to enroll;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with the provision of financial aid to a student;
- Organizations conducting certain studies for or on behalf of the University (*i.e.*, to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction), provided that individual identity of students is not made and the disclosure is restricted to the representatives of the organization that have a legitimate interest in the information;
- Accrediting organizations carrying out their accreditation function;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate parties in emergencies to protect the health or safety of students or other persons;
- To federal and state representatives of agencies specifically listed in FERPA;
- To a victim of an alleged crime of violence or a non-forcible sex offense, or to the alleged victim's next of kin (if the victim dies as a result of the crime or offense), with the final results of a disciplinary proceeding conducted by the University, regardless of whether the University concluded a violation was committed or not;
- To parent(s) or guardian(s) of a student under the age of 21 who has been found responsible for a violation of the Code of Conduct involving the use or possession of alcohol and/or other drugs; and/or
- To comply with the Solomon Amendment (requiring the disclosure of certain information to military recruiters)

Under FERPA, the records maintained by Health Services and Counseling Services are either treatment records or

education records. Treatment records are records that are maintained by a physician, psychiatrist, psychologist, or other recognized health professional or paraprofessional acting in their professional capacity or assigned capacity that are made, maintained or used in connection with treatment. Health Services and Counseling Services maintain separate notices of privacy practices that describe how treatment records may be disclosed.

Student Rights Under FERPA – Right of Inspection and Review

As noted, current and former students have the right to inspect and review their education records within 45 days of the date that the University receives a request for access.

A request that identifies the education record(s) to be reviewed or inspected must be submitted in writing by the student to the University Registrar. The Registrar will plan for access to the records and will notify the student of the time and place where the records may be inspected.

Students do not have a right to review the financial records of their parents or guardians; materials to which they have waived their right of inspection and review, including confidential letters and recommendations associated with admission, employment, or job placement; or education records containing information about more than one student, in which case the University will permit access only to that part of the education record which pertains to the inquiring student.

Parents or legal guardians of students may establish their right to review a student's education records provided the parents or guardians can document the student's dependency as defined by the Internal Revenue Code of 1954, Section 152. The University's practice is to seek a student's release upon receiving such a third-party request.

Student Rights Under FERPA – Right to Request Amendment of Education Record

The University provides current and former students with the opportunity to request amendments to the contents of an education record which they consider to be inaccurate, misleading, or otherwise in violation of their privacy or other rights. Requests should be directed to the University Registrar, who will decide within a reasonable period of time whether corrective action consistent with the student's request will be taken. The student must be notified of the decision. If the decision is in agreement with the student's request, the appropriate record(s) must be amended. A student who is not provided full relief sought by their challenge must be informed, in writing, of the decision and their right to a formal hearing on the matter.

If, as a result of the hearing, the University decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the student of their right to place a statement in their education record commenting on the contested information or stating why the student disagrees with the decision of the University. If the University places such a statement in the education record, it will maintain the statement with the contested part of the education record for as long as it is maintained and disclose the statement whenever it discloses the portion of the education record to which the statement relates.

Student Rights Under FERPA – Right to File a Complaint

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with FERPA. The name and address of the office that administers FERPA is:

U.S. Department of Education
Family Policy Compliance Office
400 Maryland Avenue, SW
Washington, DC 20202-5920