

Franciscan University of Steubenville Policy Statement on the Family Educational Rights and Privacy Act of 1974, as amended

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA), sets forth requirements regarding the privacy of student education records. Education records are records which contain information directly related to a student and are maintained by the University or by a party acting for the University. Exceptions to education records include: sole possession records, law enforcement records, employment records, treatment records and alumni records. Education records are primarily stored in the offices of Academic Departments, Advising and the Evening Program, Distance Learning, Enrollment Services and Student Life.

FERPA governs:

- the release of education records maintained by an educational institution, and
- access to these records. FERPA applies to postsecondary education as well as kindergarten through 12th grade.

FERPA requires the following to be in compliance:

- Notify students annually of their rights under FERPA
- Protect students' rights to inspect and review their education records
- Protect students' rights to request to amend their education records
- Protect students' rights to limit disclosure of personally identifiable information contained in education records
- Ensure that third parties do not re-disclose personally identifiable information
- Keep records of requests for and disclosures of student *non directory information*

FERPA affords students the following rights:

- Right to inspect and review their education records
- Right to request to amend their education records
- Right to limit disclosure of "personally identifiable information" (information that would directly identify the student or make the student's identity easily traceable) known as directory information.
- Right to file a complaint with the Department of Education concerning an alleged failure by the institution to comply with FERPA

University access to education records policy:

Franciscan University of Steubenville accords all the rights under FERPA to students in attendance. In general, no one outside the institution shall have access to, nor will the institution disclose, any information from students' education records without the written consent of students. Within the limits of the law and under certain circumstances, however, the University may disclose personally identifiable information to:

- The student
- Anyone who has obtained the student's prior written consent
- Anyone in response to requests for directory information (information that is generally not considered harmful or an invasion of privacy if disclosed). See "directory information" as defined in this policy statement
- Authorized representatives of certain government entities, such as the Comptroller General of the U.S., Secretary of Education, U.S. Attorney General (for law enforcement purposes only), state and local educational authorities
- School officials determined by the University to have a legitimate educational interest: University employees in an administrative, supervisory, academic or support staff positions who need access to perform their job responsibilities; an attorney or auditor employed by the University or under contract to perform a particular function; a student serving on an authorized committee; or a student assisting another school official in fulfilling their professional responsibilities (S.W.O.P worker, for example)
- Agents acting on behalf of the institution (e.g. National Student Clearinghouse, degree/enrollment verifiers)
- Schools in which the student seeks or intends to enroll
- Anyone who is providing financial aid to the student (does not include payments made by the parents)
- Organizations conducting studies for or on behalf of educational organizations for accreditation purposes
- Accrediting organizations for accreditation purposes
- Parents who can establish the dependent status of their son or daughter by submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form
- Parents/legal guardians when their children under age 21 are found to have violated the alcohol or drug policy of the University
- To comply with a judicial order or subpoena
- Anyone if a health or safety emergency exists and the information will assist in resolving the emergency
- An alleged victim of a crime of violence or the results of a disciplinary hearing regarding the alleged perpetrator of that crime with respect to that crime
- Anyone requesting the final results of a disciplinary hearing against an alleged perpetrator of a crime of violence or non-forcible sex offense
- The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) for purpose of complying with Request Form ICE relative to the University's participation in SEVIS
- Military recruiters who request student recruitment information for recruiting purposes only (Solomon Amendment). Student recruitment information is name, address, telephone listing, age or year of birth, class level, major, degrees received and most recent educational institution of enrollment
- The Internal Revenue Service (IRS) for purposes of complying with the *Taxpayer Relief Act of 1997*

- Authorized representatives of the Department of Veterans Affairs for students receiving educational assistance from the agency

Release of student information to parents:

At the postsecondary level, parents have no inherent rights under federal law to inspect their son's or daughter's education records. FERPA rights transfer to the student when the student matriculates at the University (first day of attendance through graduation; dates are determined by the academic calendar). Records may be released to the parents only if one of the following conditions has been met:

- A consent form is signed by the student (forms are available in the Registrar's Office)
- In compliance with a subpoena
- By submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form
- In the case of a documented emergency
- If the information requested is directory information
- In limited circumstances, certain disciplinary information may be disclosed if the result of an infraction is suspension or dismissal from the institution
- In limited circumstances, certain disciplinary information may be disclosed if the student is in violation of any federal, state or local law, or any University policy or rule governing the use of alcohol or a controlled substance and is under the age of 21 (further information is available in the Office of Student Affairs).

Directory Information

The University may release, without written consent, those items specified as public or *directory information* provided students who are currently enrolled have been informed of their FERPA rights annually (University catalog); that the students be given the opportunity to refuse disclosures of *directory information* (forms available in the Registrar's Office); that the students be given a reasonable period of time in which to state such refusals in writing (30 days).

The University has designated the following as *directory information*:

Student name, address, telephone number, email address, date and place of birth, major fields of study, dates of attendance, degrees, awards and honors received, the most recent previous educational agency or institution attended, participation in officially recognized activities and sports, the height and weight of athletic teams, and photographic image.

Students may withhold directory information by completing the appropriate form available in the Registrar's Office within two weeks after the first day of class every

semester. Requests for non-disclosure are honored until the student requests the removal of non-disclosure limitations.

Challenge of Information

Students who believe that their education records contain information that is inaccurate or misleading or is otherwise in violation of their privacy rights, may discuss their problems informally with the administrator maintaining the records in question. (Note: FERPA does not cover grades.) If the administrator's decision is in agreement with the student's request, the appropriate records will be amended and the student will be notified within a reasonable time—not to exceed 30 days. If the decisions are not in agreement with the student's request, the student will be notified within a reasonable time—not to exceed 30 business days—and will also be notified of their right to a formal hearing. Requests for a formal hearing must be made in writing to the Vice President for Academic Affairs who within a reasonable period of time after receiving the request will inform the student of the date, place and time of the hearing. The Vice President will also appoint a hearing panel of University officials who do not have a direct interest in the outcome of the hearing. At the time the hearing is held, students may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of their choice, including attorneys, at the student's expense.

Decisions of the hearing panels will be final; will be based solely on the evidence presented at the hearing; will consist of written statements summarizing the evidence and stating the reasons for the decisions; and will be delivered to all parties concerned. If the hearing panel decides in favor of the student, the education records will be corrected or amended in accordance with the decisions of the hearing panel. If the decisions of the hearing panel should be unsatisfactory to the student, the student may place statements commenting on the information in the records with the education records stating any reasons for disagreeing with the decision of the hearing panel. The student's statements will be placed in the education records file, maintained as part of the student's records and released whenever the records in question are disclosed for as long as the University maintains the record.

A student who believes that the adjudication of their challenges was unfair or not in keeping with the provisions of FERPA, may request, in writing, assistance from the President of Franciscan. In addition, a student may file a written complaint containing specific allegations of fact giving reasonable cause to believe that a violation of FERPA has occurred with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

Questions regarding FERPA should be directed to the University's Registrar.

Policy approved July 9, 2007 by the University Cabinet.