



<b>TITLE: FERPA</b>	<b>ORIGINAL EFFECTIVE DATE:</b> 03/13/2018	
	<b>REVISION DATE:</b> 03/13/2018	<b>VERSION: 1</b>

**(This policy rescinds any previous publication covering the same material.)**

**I. Purpose:**

To outline college compliance with The Family Educational Rights and Privacy Act (FERPA) of 1974 as amended, known as the Buckley Amendment, which affords students certain rights related to educational records.

**II. Policy:**

The college complies with The Family Educational Rights and Privacy Act (FERPA) of 1974 as amended, known as the Buckley Amendment, which affords students certain rights related to educational records.

The college maintains the official permanent record, financial record, and health services record. Student records specifically include, but are not limited to, admission requirement data, level of achievement, transcripts, disciplinary reports, and other pertinent documents.

The registrar maintains educational records including those for enrolled, dismissed withdrawn, transient students and graduates. Admissions maintains records for applicants. Academic programs maintain records specific to the program of study. Financial aid records are maintained according to the five-year federal guidelines and then destroyed. Student health records are maintained according to the policies and procedures of health services.

Student rights related to educational records include:

- The right to inspect and review the student’s educational records within 45 days of the day the college receives a request for access.

To inspect records, a student should submit to the registrar, or other appropriate official responsible for the record, a written request that identifies the record(s) the student wishes to inspect. The college official will arrange

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.

- a. The college reserves the right to have a school official present during a student's review of his or her education records.
  - b. The right of inspection and review includes the right to access and an explanation of the record. It does not include the right to a copy of the education record except in limited circumstances when failure to provide a copy would effectively prevent the student from inspecting and reviewing the record.
  - c. Students have the right to inspect their education records regardless of their financial status with the college. However, the college is not required to release an official transcript if the student has a past due account.
  - d. At the postsecondary level, parents have no inherent rights to inspect or review their majority-age son or daughter's education records. This right is limited solely to the student. A student's education records may be released to parents only if they have been given a written release by the student (see Section V) or if an exception to FERPA's general rule against nonconsensual disclosure applies (such as in the case of a health and safety emergency or to comply with a lawfully issued subpoena).
  - e. This right of inspection and access does not extend to the financial records of a student's parents. Also, certain restrictions apply to a student's access to confidential letters and confidential statements of recommendation placed in a student's education records.
- The right to request the amendment of the student's educational records the student believes to be inaccurate, containing misleading information, or are in violation of the student's privacy rights.

A student who wishes to ask the college to amend a record should write the college official responsible for the record, clearly identify 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, it will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment.

- a. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing, but the following general procedures will be followed:
  - i. A hearing officer or board will be appointed by the appropriate college official.
  - ii. A hearing will be held within a reasonable amount of time after the request for the hearing has been received.

- iii. The hearing officer/board will notify the student, reasonably in advance, of the date, place, and time of the hearing.
  - iv. If the hearing officer/board supports the complaint, the education record will be amended accordingly, and the student will be so informed.
  - v. If the hearing officer/board decides not to amend the education record, the student has the right to place in the education record a statement commenting on the challenged information and/or stating the reasons for disagreement with the decision. This statement will be maintained as part of the education record as long as the contested portion of the record is maintained.
- b. Requesting an amendment to an education record is not the proper avenue for challenging course grades. A student may challenge a final course grade by using the Academic Appeals Policy.
- 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. (See below section: Authorizing the Release of Education Records).
  - 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 20202-4605
    - [www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html)

### **Release of Student Directory Information**

Directory information is information contained in a student's education record that would generally not be considered harmful or an invasion of privacy if disclosed. The college designates the following items as directory information:

- a student's full name,
- participation in officially recognized activities,
- address,
- telephone number,
- college email address,
- date of birth,
- major field of study,
- dates of attendance,
- degrees, honors, and/or awards received,
- grade level,
- photograph.

Directory information regarding the student will be provided to the public upon request unless a student files a request with the registrar asking to be excluded from the directory or from any other requests for open information from outside entities. The request should be submitted prior to the semester Add/Drop deadline. A request to withhold information may be submitted after the stated deadline for a semester and will be honored by the college, but information may be released between the deadline and receipt of the request. The file of the student who has asked to be excluded will be flagged until the student requests the flag be removed.

### **Release of Non-Directory Information**

FERPA prevents access to and release of nonpublic (non-directory) information such as educational records (or any personal identifiable information they contain) without prior consent. However, federal law permits access to such information without prior consent under certain circumstances or to certain individuals. These include the following:

1. School officials, including faculty, who have a legitimate educational interest in the records. A school official is defined as 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 as its agent to provide a service instead of using college employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board; 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 typically has a legitimate educational interest if the official needs to review an education record to fulfill his or her professional responsibilities for the college. In an intimate campus community such as Aultman College, absent a legitimate educational interest, faculty and staff should refrain from discussing students with parents and family members who may work, volunteer, or are otherwise associated with the college or Aultman Hospital, to ensure continued compliance with student privacy expectations and FERPA.
2. Officials of another school, upon request, in which a student seeks or intends to enroll.
3. Certain officials of the U.S. Department of Education, the U.S. Department of Defense (under Soloman Amendment), the U.S. Comptroller General, and state and local educational authorities, in connection with an audit, or certain state or federally supported education programs.
4. Financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. Accrediting organizations to carry out their accrediting functions.
6. Organizations conducting studies for or on behalf of the college.
7. A student's parents, if the student is a dependent as defined in Section 152 of the Internal Revenue Code.
8. Appropriate parties in a health or safety emergency. Factors to be considered in deciding to release such information in these situations are: (1) the severity of

- the threat to the health or safety of those involved; (2) the need for the information; (3) the time required to deal with the emergency; (4) the ability of the parties to whom the information is to be given to deal with the emergency.
9. To a court in which the school is defending itself against legal action initiated by a parent or eligible student.
  10. By judicial order or lawfully issued subpoena.
  11. To the alleged victim of a crime of violence or a non-forcible sex offense where the alleged perpetrator is subject to formal disciplinary proceedings conducted by the college.

### **Authorizing the Release of Education Records**

Students may authorize the release of education records protected by FERPA to designated parties by using the college's Student Information Release form, available in the main office and on the college website at

<https://www.aultmancollege.edu/uploads/student-information-release-form.pdf>.

### **III. Definitions:**

### **IV. Procedure:**

### **V. Approvals:**

Legal review by Husch Blackwell 11.2017

Administrative Council 3.6.2018

### **VI. Location:**

- **Catalog** - Policy
- **Website**- Policy
- **Faculty Handbook**- Policy

### **Source:**

**Related References:** Academic Appeals Policy