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# UNIVERSITY POLICIES

# Student Records and Disclosure (FERPA)

The Family Educational Rights and Privacy Act (FERPA - 20 USC § 1232G; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the US Department of Education. FERPA gives parents/legal guardians certain rights with respect to their children's educational records. These rights transfer to the student when they reach the age of 18 or attends a postsecondary institution. Students to whom the rights have transferred are "eligible students". (Franklin Pierce University defines "attends a postsecondary institution" as the first day of classes of the student's start term; applicants who do not become students have no FERPA rights.)

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## Definition of Education Records, School Official and Legitimate Educational Interest

**Educational records** are defined as records, files, documents and other material which contains information directly related to a student. Educational records do not include personal files of faculty and staff, law enforcement records, or parent's financial records. Nothing in FERPA prohibits a University official from sharing information that is based on that official's personal knowledge or observation and that is not based on information contained in an educational record.

The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests.

A "**school official**" is a person employed by the University 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 University has contracted as its agent to provide a service instead of using University employees or officials (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 generally has a "**legitimate educational interest**" if that official needs to review an educational record in order to fulfill his or her professional responsibilities as described in their job description.

### 1. Right to Inspect Educational Records

a. A student has the right to inspect and review their educational records within 45 days of the day the University receives a request for access. Requests must be made in writing and directed to the office in which the record is kept (see below: location of records).

The University will make arrangements for access and notify the student of the time and place where the records may be inspected.

### 2. Location of Records

a. Franklin Pierce University collects and maintains student's information for both statistical reporting and operation of the University.

The information is retained electronically and/or on paper records kept in the following offices: Registrar, Student Success Center, Student Financial Services, Student Affairs, Health Center, University Advancement, Outreach Education Center, and Campus Safety.

### 3. Amending a Record

a. Students may ask the University to amend a record they believe is inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA.

The student should write to the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it should be changed.

b. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to appeal the decision. Appeals are directed in writing to the Vice President or Dean with jurisdiction for the area where the record is maintained. A decision will be returned within twenty business days of receipt of the appeal. The decision by the Vice President/Dean will be final. The student, however, does have the right to their own statement into the record. Grades, opinions or substantive decisions are not amendable.

### 4. Release of Information

a. Students have the right to provide written consent before the University discloses personally identifiable information contained in a student's educational records, except to the extent that FERPA authorizes disclosure without consent. The student has the option to complete a Release of Student Information form to grant access to parents or others to their academic and/or financial

data. Release of Student Information forms must be returned to the Office of the Registrar. Release forms expire upon departure from the University.

b. The following exceptions exist under which the University is permitted (but not required) to disclose personally identifiable information from educational records without prior consent:

1. Disclosure to school officials with legitimate educational interests
2. Directory information (as outlined below, in next section)
3. To another school in which a student seeks or intends to enroll or is enrolled
4. To Federal, State, and local authorities conducting an audit, evaluation or enforcement of educational programs
5. In connection with Financial Aid
6. To organizations conducting research on behalf of the University
7. To accrediting organizations
8. To parents of a dependent student
9. To comply with a judicial order or subpoena
10. In health or safety emergency
11. Results of a disciplinary hearing to an alleged victim (or next of kin) of a crime of violence
12. Disclosure to parent of student under 21 if the University determines that the student has committed a violation of drug or alcohol policies or rules.

#### 5. Directory information

a. Directory information includes the following: The student's full legal name, preferred first name, campus/home address, telephone number, major field of study, dates of attendance, enrollment status (i.e., class, undergraduate or graduate, full or part-time), degrees, honors, and awards received (i.e., Dean's List), the most recent prior educational institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams. *Any student who does not want such information released, may write to the Office of the Registrar requesting a directory block on their record. Students must submit this notice by the end of the add/drop period for which they are registered. This notice remains in effect until revoked by the student.*

#### 6. Complaints

a. A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with requirements of FERPA. The address is:

1. Family Policy Compliance Office
2. U.S. Department of Education
3. 400 Maryland Avenue, SW
4. Washington, DC 20202-4605