

## **Saint Francis University**

### **Privacy of Student Records and Release of Information**

#### Policy Statement:

The Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment, affords eligible students certain rights with respect to their education records. These rights include:

1. The right to inspect and review information contained in the student's education records within 45 days after the day the University receives a request for access. A student should submit to the registrar, dean, vice president for student development, or chair of the academic department, a written request that identifies the record(s) the student wishes to inspect. The school 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 school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

When a student requests access to his or her education records, University officials must verify or authenticate the identity of that student before releasing the education records. The student's identity shall be authenticated as follows:

- For requests made in-person, picture identification may be used (such as a Saint Francis University ID, driver's license, state identification card, or passport);
- For requests by telephone the student's identity may be confirmed via a combination of the Saint Francis University student ID number plus some other authenticating information unique to that student (such as birth date or period of attendance).

To ensure the confidentiality of references, certain documents may carry waivers signed by the student relinquishing the right of access to the document. Waivers are subject to the following conditions:

- Waivers can be signed only for the specific purposes of application for admission, candidacy for honor or honorary recognition, and candidacy for employment.
- Waivers cannot be required.
- The student shall be told, upon request, the names of those supplying references.
- All items in the student record not covered by waivers are open to the student. Material not covered by waivers may not be concealed by keeping it out of the student's file.

2. The right to request amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA;

The eligible student has the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the agency or institution. The University must maintain the statement with the contested part of the record for as long as the record is maintained, and disclose the

statement whenever it discloses the portion of the record to which the statement relates.

3. The right to provide written consent before the University discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

Saint Francis University discloses education records without a student's prior written consent under the FERPA exceptions for disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the University who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist 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 in order to fulfill his or her professional responsibilities for the University.

4. The right to file a complaint. The student may file a complaint with the U.S. Department of Education concerning alleged failures of the University 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

A student who believes that protected information has been released inappropriately may submit a written complaint to the Registrar. The complaint will include the following information:

- Date of the alleged release of protected information;
- Specific nature of the information that allegedly was released;
- Name of the University employee who allegedly released the information;
- Name of the individual or organization to whom the information was released;
- Reason why the student believes that the release of information violated FERPA.

The Registrar will respond to the complaint in writing after having investigated the allegations, ideally within two weeks of receipt of the complaint.

#### **Definition of Terms:**

- **Parent:** the natural parents, a guardian, or an individual acting as a parent in the absence of a parent or guardian.
- **Eligible student:** a student who has reached the age of 18 or who is attending a postsecondary institution at any age. Once a student becomes an "eligible student," the rights afforded his or her parents under FERPA transfer to that student.

If a student is attending a postsecondary institution - at any age - the rights under FERPA have transferred to the student. However, in a situation where a student is enrolled in both a high school and a postsecondary institution, the two schools may exchange information on that student. If the student is under 18, the parents still retain the rights under FERPA at the high school and may inspect and review any records sent by the postsecondary institution to the high school. Additionally, the postsecondary institution may disclose personally identifiable information from the student's education records to the parents, without the consent of the eligible student, if the student is a dependent for tax purposes under the IRS rules.

- **University official:** includes a person employed by the University in an administrative, academic, or staff position; a person under contract with the University, such as an attorney or auditor; or a member of the board of trustees
- **Third party:** any individual or organization other than the student or an official of Saint Francis University.
- **Legitimate Education Interest:** A school official has a legitimate educational interest in an education record when the official needs to review the record in order to fulfill his or her responsibility on behalf of the University, such as when the official is:
  - Performing a task that is specified in his or her job description or by a contract agreement or other official appointment;
  - Performing a task related to a student's education;
  - Performing a task related to the discipline of a student; or
  - Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

The determination as to whether or not a legitimate educational interest exists will be made by the custodian of the records on a case-by-case basis. When the custodian has any question regarding the request, the custodian should withhold disclosure unless the custodian obtains consent from the student or the concurrence of a supervisor or other appropriate official that the record may be released. The custodian should consult with the Registrar, if necessary.

## Education Records

Education records are defined as records, files, documents, and other materials that contain information directly related to a student (personal identifiable information) and are maintained by Saint Francis University or by a University official. Education records take many forms including printed documents and electronic media. Examples of education records and the offices that have custody of them include:

- Grades – Office of the Registrar
- Class lists – Office of the Registrar
- Transcripts from Saint Francis University or other institutions – Office of the Registrar
- Student course schedules – Office of the Registrar
- Disciplinary records – Office of Student Development
- Student financial records – Business Office
- Payroll records for employees who are employed as a direct result of their status as students (e.g. work study, assistantships, resident assistants) – Business Office
- Accommodation records – Center for Academic Success
- Student athlete academic records – Student Athlete Development

Education records do not include:

- Sole possession records (records kept in the sole possession of the maker which are used only as a personal memory aid and are not accessible or reviewed by any other person except a temporary substitute for the maker of the record);
- Medical or psychological treatment records that include those maintained by the Counseling Center or Student Health Center;
- Employment records, provided that employment is not contingent upon being a student;
- Law enforcement records created and maintained by University Police; and
- Records collected about an individual after that person is no longer a student at Saint Francis University (i.e., alumni records).

### **Directory Information**

FERPA allows the University to disclose certain “Directory Information” about students without prior consent. This information includes:

- Full name
- Address
- University e-mail address
- Telephone number
- Date and place of birth
- Major
- Degrees and awards received
- Dates of attendance
- Most recent previous school attended
- Classification (i.e. first-year, sophomore, junior, senior, graduate student)
- Participation in University-recognized activities and sports
- Weight and height of members of athletic teams
- Photograph
- Enrollment status

Students who request non-disclosure of Directory Information prevent the University from releasing any information about the student to anyone other than officials at school(s) in which the student intends to enroll. Such non-disclosure means the University will not release to outside parties (included prospective employers) such information as fact of attendance, degrees or honors earned. The student must submit a completed Request for Non-Disclosure of Directory Information form to the Office of the Registrar. The University accepts no liability for any Directory Information released before a student completes this form.

### **Release of Student Information**

FERPA permits the disclosure of PII from students’ education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of

disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student —

- To other school officials, including faculty, within Saint Francis University whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the University's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" under § 99.37. (§ 99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))

- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

Any questions on privacy of student records and the release of information should be directed to the Registrar. Requests to locate a student will be referred to the University Police.

**Dissemination of this Policy**

FERPA requires that students be notified of this policy annually. This policy will be available on [my.francis.edu](http://my.francis.edu) under Current Students in the Academic Forms and Policies section, or through the Student Handbook, the University Catalog, and the Student Consumer Information guide available on the University's web site.

*Approved by the President's Council on October 14, 2015*