

FERPA AND STUDENT EDUCATION RECORDS

Policy: Students have the right to control to whom their education record is released, with exceptions to when their permission is not required.

The institution maintains the privacy of student education records in its possession with the exception of those situations in which the law or consent of the student permits disclosure according to FERPA legislation (20 U.S.C. § 1232g; 34 CFR Part 99).

For the purposes of this policy, Grace College has used the following definitions of terms.

- 1.0 *FERPA:* The *Family Educational Rights and Privacy Act* of 1974 helps protect the privacy of student education records. The *Act* provides for the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The *Act* applies to all institutions that are the recipients of federal aid administered by the Secretary of Education.
- 2.0 *Eligible Student:* any student 18 years of age or who has enrolled in courses at Grace College and Seminary. This includes registered auditors, distance education, prison, CEU, and unclassified students.
- 3.0 *Parent:* a parent of a student and includes a biological parent, guardian, or individual acting as a parent in the absence of a parent or guardian.
- 4.0 *Personally Identifiable Information:* this term includes the following:
 - 4.1 The student's name;
 - 4.2 The name of the student's parent or other family members;
 - 4.3 The address of the student or student's family;
 - 4.4 A personal identifier, such as the student's social security number, student number, or biometric record;
 - 4.5 Other indirect identifiers, such as the student's date of birth, place of birth, relationship to another student, and mother's maiden name;
 - 4.6 Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

- 4.7 Information requested by a person who the institution reasonably believes knows the identity of the student to whom the education record relates.
- 5.0 *Education records*: any record directly related to a student in handwriting, print, tapes, film, electronic or other medium that is maintained by Grace College and Seminary or an agent of Grace College and Seminary. To apply FERPA to a record, it must be identified as an education record according to FERPA. Educational records subject to FERPA are those that are:
- 5.1 Maintained by the institution or by a party acting for the institution;
 - 5.2 Directly related to a student and from which a student can be identified; or
 - 5.3 Not one of the excluded categories of records, which include the following:
 - 5.3.1 Private records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker thereof (e.g., private advising notes), used only as a personal memory aid, and are not accessible or revealed to any other individual.
 - 5.3.2 Records created and maintained by the institution's campus safety office for law enforcement purposes.
 - 5.3.3 An employment record of an individual, whose employment is not contingent on the fact that he or she is a student, that relates exclusively to the individual in his or capacity as an employee and not available for any other purpose. Records relating to an individual in attendance at the institution who is employed as a result of his/her status as a student *are* education records and not excepted under this paragraph.
 - 5.3.4 Records on a student who is 18 years or age or older, or is attending the institution that are:
 - 5.3.4.1 Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity;
 - 5.3.4.2 Made, maintained, or used only for the treatment of a student; and
 - 5.3.4.3 Made available only to those persons providing the treatment.
 - 5.3.5 Alumni records that contain information about a student after he or she is no longer enrolled at the institution and that do not relate to the

person as a student.

5.3.6 Grades on peer-graded papers before they are collected and recorded by a teacher.

5.4 The institution includes in the educational record appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that students, other students, or other members of the institution.

6.0 *School Official:* Those members of the institution who act in the student's educational interest within the limitations of their "need to know" role in order to perform their legitimate, educationally-related duties (see also "Inspection of Records"). These may include faculty, administration, clerical and professional employees, and other persons who manage student education record information including student employees or agents.

6.1 A contractor or other party to whom the institution has outsourced institutional services or functions, provides a service the institution would otherwise use employees for, is under the direct control of the institution with respect to use and maintenance of education records, and is subject to the requirements governing the use and re-disclosure of personally identifiable information, is considered a school official.

6.2 School officials wishing to discuss a student's educational record with the student's parent or guardian must first verify the right of the individual to receive that information by contacting the Registrar's Office to receive authorization to release a student's education record.

7.0 *Directory Information:* Institutions may disclose information about a student without violating FERPA if it has designated that information as "directory information." At Grace College and Seminary, directory information includes a student's:

- 7.1 Name
- 7.2 Address
- 7.3 State or country of residence
- 7.4 Email address
- 7.5 Telephone number
- 7.6 Major and minor field of study
- 7.7 Dates of attendance
- 7.8 Expected dated of graduation or completion of study
- 7.9 Classification and enrollment status
- 7.10 Receipt or non-receipt of a degree
- 7.11 Academic awards received (dean's list, honor roll)
- 7.12 Previous educational institutions attended

- 7.13 Participation in officially recognized sports, including height and weight of athletes
- 7.14 Photo
- 7.15 Student employment
- 7.16 Dissertation or thesis title

Directory information *cannot* include race, gender, SSN, grades, GPA, country of citizenship, or religion.

- 8.0 *The Solomon Amendment* is a federal law that allows military recruiters to access some information on students age 17 and older. The Department of Education has determined that the Solomon Amendment supersedes most elements of FERPA. Unless students have requested that their directory information be withheld or restricted, then in addition to their directory information the following information, which Grace does not designate as directory information, will be provided to military recruiters:

- 8.1 Age and date of birth
- 8.2 Place of birth
- 8.3 Degree received
- 8.4 Most recent educational institution attended

Veteran status, academic performance, ethnicity, nationality, and gender are specifically excluded under Solomon.

Military recruiters who are seeking this information must make request in writing submitted on letterhead (a) clearly identifying the unit of service requesting the student recruitment information, (b) listing what recruitment information is being requested, and (c) specifying the semester for which it is being requested (i.e., current or previous).

This information may be requested by a recruiter within the five branches of the service (Army, Navy, Air Force, Marines, Coast Guard including reserves and guard)) no more than once per semester.

- 9.0 A student's basic rights under FERPA include the right to:
 - 9.1 Be notified of their FERPA rights at least annually. At Grace College and Seminary, students are notified of their FERPA rights annually by publication in the catalog and on the institution's web site.
 - 9.2 Refuse disclosure of directory information. Students who wish to restrict the release of their directory information may submit this information to the Registrar's Office using the *Request to Prevent Disclosure of Directory Information* form.

- 9.3 Inspect and review their records.
- 9.4 Amend a record that is incorrect, misleading, or otherwise in violation of the student's privacy rights
- 9.5 Consent to disclosure personally identifiable information (with exceptions).
- 9.6 File a complaint with the Department of Education concerning alleged failures of the institution to comply with the requirements of FERPA and this part. Parents and eligible students who need assistance or who wish to file a complaint under FERPA or PPRA should do so in writing to the Family Policy Compliance Office, sending pertinent information through the mail, concerning any allegations to the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920
Phone: 1-800-USA-LEARN (1-800-872-5327)

- 10.0 Access to Student Information: Individuals who may have access to student information include:
 - 10.1 The student and any outside party who has the student's written request.
 - 10.2 School officials (as defined above) who have "legitimate educational interests."
 - 10.3 A person in response to a lawfully issued subpoena or court order, as long as the institution makes a reasonable attempt to notify the student first. Normally, the institution will comply with a subpoena after two weeks have elapsed from the day the subpoena was received.
 - 10.4 A parent's rights under FERPA.
 - 10.4.1 Full rights under FERPA unless the institution has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.
 - 10.4.2 Parents of a dependent student are defined by the Internal Revenue Code, and which can be determined by the institution using financial aid records or the parent's tax return.
 - 10.4.3 When a student reaches the age of 18 or begins attending a postsecondary institution regardless of age, FERPA rights transfer to the student.

- 10.4.4 Parents may obtain directory information at the discretion of the institution.
- 10.4.5 Parents may obtain non-directory information (grades, GPA, etc.) only at the discretion of the institution and after it has been determined that their child is legally their dependent.
- 10.4.6 Parents may also obtain non-directory information by obtaining a signed consent from their child.

11.0 Inspection of Records

- 11.1 Students may inspect and review their education records upon request to the appropriate custodian in the appropriate office. This is typically the Registrar's Office.
- 11.2 Students are expected to act ethically and responsibly with the use of the educational records that they have inspected.
- 11.3 Students should submit to the record custodian or appropriate school staff a written request that identifies as precisely as possible the record or records he or she wishes to inspect.
- 11.4 The record custodian or appropriate school staff will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 45 days or less from the receipt of the request.
- 11.5 The designated custodian of any education record will require that the records not leave his or her immediate custody. Those desiring to inspect and review education records are required to do so at the time and place designated by the custodian of those records.
- 11.6 When a record contains information about more than one student, the student may inspect and review only the information that is directly related to him/her. If necessary, the institution will redact records that contain personally identifiable information about other students.
- 11.7 If circumstances effectively prevent the eligible student or parent from exercising the right to inspect and review the student's education records on-site, the institution will make other arrangements to inspect and review the requested records. This may include, but is not limited to, a secure file transfer, copies of the requested records, or inspection with the use of a proctor. Deadlines for viewing the record off-site may be limited.
- 11.8 The institution is not required to give an eligible student access to treatment records as defined previously, but the student may have those records

reviewed by a physician or other appropriate professional of the student's choice.

- 11.9 The institution typically does not provide inspection and review rights to a student regarding the financial records of his/her parents, confidential letters and statements of recommendation if the student waived his or her right to inspect and review those.
- 11.10 School officials (see also "School Officials") or the other designated parties as listed below, may inspect and review education records upon request to the appropriate custodian in the appropriate office provided that they have a legitimate educational interest. Legitimate educational interest would include the following:
 - 11.10.1 Performing a task that is specified in his or her position description or by a contract agreement.
 - 11.10.2 Performing a task related to a student's education.
 - 11.10.3 Performing a task related to the discipline of a student.
 - 11.10.4 Providing a service or benefit relating to the student or student's family such as health care, counseling, job placement, or financial aid.
 - 11.10.5 School officials and other designated parties may inspect and review only records that pertain to the individual student and to the specific legitimate educational interest that they are performing.

12.0 Disclosure without Consent

- 12.1 Institutions may, without written consent, release information identified by the institution as public, or directory information, provided the following conditions are met prior to disclosure:
 - 12.1.1 The institution informs students of categories designated as directory information.
 - 12.1.2 The student is given opportunity to refuse disclosure of any or all categories of directory information.
 - 12.1.3 Students are given reasonable time in which to state such refusals in writing.
- 12.2 Release of public or directory information by telephone is permissible;

however, information released in this manner should be restricted to categories specified in written institutional policy and students should be given reasonable opportunity to refuse disclosure of such information.

- 12.3 A student's consent is not required when the disclosure is:
- 12.3.1 to school officials (defined previously in this policy) who have a legitimate educational interest (§99.31(a)(1))
 - 12.3.2 to officials of another institution where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is related to the student's enrollment or transfer. (§99.31(a)(2))
 - 12.3.3 to federal, state, and local authorities involving an audit or evaluation of compliance with educational programs (§§99.31(a)(3) and 99.35)
 - 12.3.4 in connection with financial aid for which the student has applied or received, if the information is needed to determine the eligibility for, amount of, conditions for, or terms of aid (§99.31(a)(4))
 - 12.3.5 to certain state and local officials or authorities when authorized by state statute in certain cases (§99.31(a)(5))
 - 12.3.6 to organizations conducting studies in certain circumstances for or on behalf of educational institutions (§99.31(a)(6))
 - 12.3.7 to accrediting organizations, which, in consultation with the institution's accreditation liaison officer, includes redaction of personally identifiable information whenever possible (§99.31(a)(7))
 - 12.3.8 to parents of a dependent student as verified on the *FERPA Consent Form* (§99.31(a)(8))
 - 12.3.9 to comply with a judicial order or subpoena (§99.31(a)(9))
 - 12.3.10 to appropriate officials in connection with a health or safety emergency if necessary to protect the student or other individuals (§99.31(a)(10))
 - 12.3.11 to release directory information (§99.31(a)(11))

- 12.3.12 to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, the final results of disciplinary proceedings with respect to the alleged crime or offense (§99.31(a)(13))
 - 12.3.13 to the general public, the final results of a disciplinary proceeding if Grace determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of Grace’s rules or policies with respect to the allegation made against him or her. (See “Non-Consensual Disclosure and Discipline Related to Crimes of Violence”.) (§99.31(a)(14))
 - 12.3.14 to a parent of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the institution governing the use or possession of alcohol or a controlled substance if the institution determines the student has committed a disciplinary violation with respect to that use or possession and the student is under the age of 21 at the time of disclosure to the parent. (§99.31(a)(15))
 - 12.3.15 it concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the educational institution under 42 U.S.C. 14071 and applicable Federal guidelines.
- 13.0 Non-consensual Disclosure and Discipline Related to Crimes of Violence and Non-forcible Sex Offenses
- 13.1 The offenses or attempts to commit the offenses detailed in the FERPA regulations are included in this definition
 - 13.1.1 Arson
 - 13.1.2 Assault Offenses
 - 13.1.3 Burglary
 - 13.1.4 Criminal homicide-manslaughter by negligence
 - 13.1.5 Criminal homicide-murder and non-negligent manslaughter
 - 13.1.6 Destruction/damage/vandalism of property
 - 13.1.7 Forcible sex offenses
 - 13.1.8 Incest
 - 13.1.9 Kidnapping/abduction
 - 13.1.10 Rape
 - 13.1.11 Robbery
 - 13.2 The non-consensual disclosure of the final results of disciplinary matters

within the institution include only the name of the student, the violation committed, and the sanction imposed by the institution on the student.

13.2.1 “Sanction” means action taken by the institution, date of disposition, and duration.

13.2.2 “Violation committed” means the institution policy or code sections violated and essential findings supporting the conclusion that the policy was violated.

13.3 The institution will not disclose the name of any other student, including the reporting party, witnesses, or those with priority knowledge, without the written consent of those students.

14.0 Grace College and Seminary may recover the additional expense incurred in sending, receiving, copying, redacting or verifying the authenticity of documents by charging the student a fee for this additional service, including those provided to military recruiters.

15.0 Requests for Amendments

If an eligible student or parent believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student’s rights of privacy, he or she may submit a written request to the registrar’s office to amend the record.

15.1.1 The written request should clearly identify the part of the record the student wishes to be changed and why it is inaccurate or misleading. Requests that do not include the required information will not be considered, but may be resubmitted with proper revisions to include the required information.

15.1.2 The institution will decide whether to amend the record within a reasonable time after it receives the written request.

15.1.3 If the institution decides not to amend the record as requested, it will inform the eligible student or parent of its decision and right to appeal in writing to a hearing board selected by the vice president of academic affairs, whose decision will be final.

15.1.4 If, following the appeal procedure, the institution decides that the information is not inaccurate, misleading, or a violation of the student’s privacy rights, it will inform the student or parent of their right to place a statement in the record about the contested information or why they disagree with the decision or both.

- 15.1.5 A copy of the statement of contested information and appeal decision placed in the student's education record.
- 15.1.6 The institution will disclose the statement of contested information whenever it discloses the portion of the record to which the statement relates.