

Grace College and Grace Theological Seminary
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. Grace College and Theological Seminary ("Grace") 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). FERPA rights continue after the Eligible Student leaves Grace.

Definitions

- A. *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.
- B. *Eligible Student:* Any student 18 years of age or older or who has enrolled in courses at Grace, *regardless of age*. "Enrolled in a course" means registered for the course, and the course has begun.
- C. *Parent:* A biological Parent, guardian, or individual acting as a Parent in the absence of a Parent or guardian.
- D. *Personally Identifiable Information:* Data or information from which an individual student can be personally identified, including:
 - 1. The student's name
 - 2. The name of the student's Parent or other family members
 - 3. The address of the student or the student's family
 - 4. A personal identifier, such as the student's Social Security Number, student ID number, or biometric record
 - 5. Other indirect identifiers, such as the student's date of birth, place of birth, relationship to another student, and mother's maiden name;
 - 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
 - 7. Information requested by a person whom the institution reasonably believes knows the identity of the student to whom the education record relates.

- E. *Education Records*: any record directly related to a student in handwriting, print, tapes, film, electronic, or other medium that is maintained by Grace or an agent of. 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:

1. Maintained by the institution or by a party acting for the institution;
2. Directly related to a student and from which a student can be identified; or
3. Not one of the excluded categories of records, which include the following:
 - a. Private records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the author (e.g., private advising notes), used only as a personal memory aid, and are not accessible or revealed to any other individual. Once disclosed to another party or placed in a physical or electronic file accessible by another party, they cease to qualify as a sole possession note and become part of the Education Record.
 - b. Records created and maintained by the institution's campus safety office for law enforcement purposes.
 - c. 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 her capacity as an employee and is 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.
 - d. Records on a student who is 18 years of age or older, or is attending the institution, that are:
 - i. Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity;
 - ii. Made, maintained, or used only for the treatment of a student; and
 - iii. Made available only to those persons providing the treatment.
 - e. 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.
 - f. Grades on peer-graded papers before they are collected and recorded by a teacher.
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 student, other students, or other members of the institution.

- F. *School Official*: Those members of the institution who act in the student's educational interest within the limitations of their "need to know" role to perform their legitimate,

educationally-related duties (see also “Inspection of Records”). These include faculty, administration, clerical and professional employees, campus safety staff, and other persons who manage student education record information, including student employees.

A person, group, or organization assisting to whom Grace 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, is also considered a School Official and subject to the requirements governing the use and re-disclosure of Personally Identifiable information.

Grace has the discretion to define what constitutes a legitimate educational interest; however, access to student data alone does not merit the retrieval, examination, analysis, or distribution of that data.

- G. *Directory Information:* Institutions may disclose information about a student without violating FERPA if the student has not restricted release of that information. At Grace, Directory Information includes the following student information, which is disclosed in writing and not by telephone:

1. Name
2. Hometown
3. Campus email address
4. Major and minor fields of study
5. Dates of attendance
6. Anticipated and actual graduation date
7. Classification and enrollment status
8. Degrees, scholarships, honors, and awards received
9. Previous educational institutions attended
10. Participation in officially recognized activities and sports, including the height and weight of athletes
11. Photo, digital image, and video and sound of public events
12. Student employment
13. Dissertation or thesis title

At Grace, the following are *not* considered Directory Information:

1. Race
2. Sex
3. Social Security Number
4. Grades
5. GPA
6. Country of citizenship
7. Grace Student ID #
8. Address and telephone number (home/permanent, cell)

Procedures

- A. 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.
- B. A student's basic rights under FERPA include the right to:
 - 1. Be notified of their FERPA rights at least annually. At Grace, students are notified of their FERPA rights electronically by email after the census date and annually by publication in the catalog and on the institution's website.
 - 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.
 - a. Restriction of disclosure applies to all elements of Directory Information. Grace does not apply a restriction differentially to the various Directory Information elements.
 - b. Restriction of Directory Information applies to all inquiries from a variety of sources outside Grace, including friends, parents, relatives, prospective employers, news media, and honor societies.
 - 3. Inspect and review their records.
 - 4. Amend a record that is incorrect, misleading, or otherwise in violation of the student's privacy rights.
 - 5. Consent to disclosure of Personally Identifiable Information (with exceptions). Students may authorize consent for the release of specified Educational Records via the *FERPA Consent Form* from the registrar's office.
 - 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)
- C. Access to Student Information: Individuals who may have access to student information include:
 - 1. The student and any outside party who has the student's written request.

2. School Officials (as defined above) who have “legitimate educational interests.”
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.
4. A Parent’s rights under FERPA.
 - a. 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.
 - b. Parents of a dependent student are defined by the Internal Revenue Code, which can be determined by the institution using financial aid records or the parents’ tax return.
 - c. When a student reaches the age of 18 or begins attending a postsecondary institution, regardless of age, FERPA rights transfer to the student.
 - d. Parents may obtain Directory Information at the discretion of the institution.
 - e. 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.
 - f. Parents may also obtain non-directory information by obtaining a signed consent from their child.
5. Inspection of Records
 - a. 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.
 - b. Students are expected to act ethically and responsibly with the use of the Educational Records that they have inspected.
 - c. Students should submit to the registrar’s office a written request that identifies as precisely as possible the record or records they wish to inspect.
 - d. The registrar’s office will determine the record custodian or appropriate school staff who will then 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 at least 45 days from the receipt of the request.
 - e. 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.
 - f. 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.

- g. 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.
 - h. 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.
 - i. The institution typically does not provide inspection and review rights to a student regarding the financial records of his/her Parents or confidential letters and statements of recommendation if the student waived his or her right to inspect and review those.
 - j. 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:
 - 1. Performing a task that is specified in his or her position description or by a contract agreement.
 - 2. Performing a task related to a student's education.
 - 3. Performing a task related to the discipline of a student.
 - 4. Providing a service or benefit relating to the student or the student's family, such as health care, counseling, job placement, or financial aid.
 - 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.
6. Disclosure without Consent
- a. 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:
 - 1. The institution informs students of categories designated as Directory Information.
 - 2. The student is given the opportunity to refuse disclosure of any or all categories of Directory Information.

3. Students are given reasonable time in which to state such refusals in writing.
- b. A student's consent is not required when the disclosure is:
 1. To School Officials (defined previously in this policy) who have a legitimate educational interest (§99.31(a)(1))
 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))
 3. To federal, state, and local authorities involving an audit or evaluation of compliance with educational programs (§§99.31(a)(3) and 99.35)
 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))
 5. To certain state and local officials or authorities when authorized by state statute in certain cases (§99.31(a)(5))
 6. To organizations conducting studies in certain circumstances for or on behalf of educational institutions (§99.31(a)(6))
 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))
 8. To Parents of a dependent student as verified on the FERPA Consent Form (§99.31(a)(8)).
 9. To comply with a judicial order or subpoena (§99.31(a)(9))
 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))
 11. To release Directory Information (§99.31(a)(11))
 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))
 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))
 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))

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.

7. Non-consensual Disclosure and Discipline Related to Crimes of Violence and Non-forcible Sex Offenses
 - a. The offenses or attempts to commit the offenses detailed in the FERPA regulations are included in this definition.
 1. Arson
 2. Assault Offenses
 3. Burglary
 4. Criminal homicide-manslaughter by negligence
 5. Criminal homicide-murder and non-negligent manslaughter
 6. Destruction/damage/vandalism of property
 7. Forcible sex offenses
 8. Incest
 9. Kidnapping/abduction
 10. Rape
 11. Robbery
 - b. The non-consensual disclosure of the final results of disciplinary matters within the institution includes only the name of the student, the violation committed, and the sanction imposed by the institution on the student.
 1. "Sanction" means action taken by the institution, date of disposition, and duration.
 2. "Violation committed" means the institution policy or code sections violated and essential findings supporting the conclusion that the policy was violated.
 - c. 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.
8. *The Solomon Amendment* is a federal law that allows military recruiters to access some information on students age 17 and older for military recruitment purposes only. 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:
 - a. Age and date of birth
 - b. Place of birth

- c. Degree received
- d. 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 submit a written request on the Department of Defense's standard letterhead to the Grace Registrar's Office:

- a. Citing relevant legal authority under the Solomon Amendment
- b. Clearly identifying the unit of service requesting the student recruitment information
- c. Listing what recruitment information is being requested (and only for the information permitted under the Solomon Amendment)
- d. Specifying the semester for which it is being requested

This information may be requested by a recruiter once each term for each of the 13 eligible units within the six branches of the service:

- a. Air Force, Air Force Reserve, Air Force National Guard
 - b. Army, Army Reserve, Army National Guard
 - c. Coast Guard, Coast Guard Reserve
 - d. Marine Corps, Marine Corps Reserve
 - e. Navy, Navy Reserve
 - f. Space Force
8. Grace 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.
9. 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.
- a. 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.
 - b. The institution will decide whether to amend the record within a reasonable time after it receives the written request.
 - c. 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.

- d. 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.
- e. A copy of the statement of contested information and appeal decision is placed in the student's Education Record.
- f. The institution will disclose the statement of contested information whenever it discloses the portion of the record to which the statement relates.

Revision History

7/31/19	Existing policy.
6/29/21	Policy revision.
1/19/22	Policy revision.
5/14/25	Minor grammatical corrections. Specification of categories permitted to be released via telephone (see 6.b). Revised Directory Information.
6/22/26	Minor non-substantive clarifications and corrections throughout. Renumbered. Updated Directory Information and disclosure restrictions. Added Space Force as a military unit to Solomon Amendment. Clarified "Eligible Student," "School Official, and "sole possession note" definitions. Deleted 6.b method of release (written, not telephone) and merged with Directory Information ("G").