

What is FERPA?

The Family Educational Rights and Privacy Act of 1974 (commonly referred to as the "Buckley Amendment" or "FERPA") is designed to protect the confidentiality of education records and to give students access to their records to assure the accuracy of their contents. The Act affords students certain rights with respect to their education records.

Student Rights

Students have four basic rights under FERPA:

- The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. Note: Although the college is not required to maintain student records indefinitely, if a request to access a record has been made, the record will not be destroyed before the custodian has granted the student access.
- The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA or any superseding law authorizes disclosure without the student's consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures of the College to comply with the requirements of FERPA.

Student

Includes any person who is or has been in attendance at the College and with respect to whom the College maintains an education record whether or not that person is currently in attendance. Thus, the records of persons who have applied to and been admitted by the College, but who have not yet begun to attend classes, are not subject to FERPA. The College considers all students who have attained the age of 18 to be independent of their parents and will not release records to parents absent the written consent of the student.

Attendance

Attendance includes, but is not limited to:

- Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom, and
- The period during which a person is working under a work-study program.

Parent

Means a parent of a student and includes natural parents, guardians, and those acting as a parent in the absence of a parent or guardian.

Education Records

Any record maintained by the College or someone acting for the College which is directly related to a student. The storage media in which you find this information may be handwritten, print, type, film, electronic, etc. An educational record may be a computer printout, a class list on top of your desk, a computer display screen, notes taken during an advisement session, etc.

The term education record does NOT include:

- Records made by College employees that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person.
- Records relating to individuals who are employed by the institution that are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available for use for any other purpose.
- Records of individuals in attendance at an institution who are employees as a result of their status as students, e.g., work-study records, graduate assistant work records.
- Records created and maintained by the Office of Public Safety for a law enforcement purpose.
- Treatment records for students 18 and older, created and maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional, used solely in connection with the provision of treatment to the student and not disclosed to anyone other than individuals providing such treatment.
- Grades on peer-graded papers before they are collected and recorded by a teacher.
- Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.

School Official

- A person employed by the College in an administrative, supervisory, academic, research, or support staff position, including the Office of Public Safety and Health Center staff;
- A contractor, consultant, volunteer or other party to whom the College has outsourced an institutional service or function for which the college would otherwise use employees to perform (e.g. an attorney or auditor, a collection agency, the National Student Clearinghouse), provided that party is under the direct control of the College with respect to the use and maintenance of education records;
- Individuals serving on the Board of Trustees;

- Students serving on official boards or committees such as the Academic Honor Board, the Student Judicial Board or a grievance committee; or
- A person assisting another school official in performing his or her tasks.

Legitimate Educational 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 College, 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 or legal counsel, if necessary.

Directory Information

Refers to information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed. St. Mary's designates the following categories of student information as public or "Directory Information." St. Mary's may disclose such information at its discretion, provided however that the college may not use the student's social security number, either alone or in combination with other data elements, to identify student records when disclosing or confirming directory information without the written consent of the student.

- Name
- Local address, telephone number and campus e-mail address
- Home address and phone number
- Date and place of birth
- Photograph
- Participation in officially recognized activities and sports
- Height and weight of members of athletic teams
- Dates of attendance
- Enrollment status (e.g. undergraduate or graduate, full-time or part-time)
- Graduation date and anticipated date of graduation

- Degree(s) conferred
- Major and minor field of study
- Awards and honors (e.g. Dean's List)
- Previous institution(s) attended
- Class (e.g. sophomore)

Examples of information which is NOT directory information and which may not be released without written consent include race, religion, SS#, student identification number, GPA, grades, test scores, class schedule, citizenship, and ethnicity.

A currently enrolled student may request that all or a portion of directory information not be released by **filing a written request** annually to that effect with the Office of the Registrar in Student Administrative Services by the end of the first full week of classes. Directory information will then be withheld until the end of the current academic year. Requests to withhold directory information must be filled annually with the Registrar's Office.

Note: students should carefully consider the consequences of any decision made to withhold any category of directory information as requests for such information from non-institutional persons or organizations will be denied. In addition, opting out does not prevent disclosure of the student's name, institutional email address, or electronic identifier in the student's physical or electronic classroom.

Disclosure

Disclosure means to permit access to, or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Personally Identifiable Information

The term includes, but is not limited to

- The student's name;
- The name of the student's parent or other family members;
- The address of the student or student's family;
- A personal identifier, such as the student's social security number, student ID number, or biometric record;
- Other indirect identifiers, such as date of birth, place of birth, and mother's maiden name;
- 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 a personal knowledge of the relevant circumstances, to identify the student with a reasonable certainty, or

- Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record directly relates.

Biometric Record

Biometric Record, as used in the definition of personally identifiable information means a record of one or more measurable biological or behavior characteristics that can be used for automated recognition of an individual. Examples include finger prints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting.

Procedure to Inspect Records

Students should submit to the Registrar a written request that identifies the record(s) they wish to inspect. The College official to whom the request is directed will make arrangements for access within 45 days 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. When a record contains information about more than one student, the student may inspect and review only the records that relate to him or her. In accordance with federal regulations, students do not have the right to review the following records:

- The financial records of the student's parents.
- Confidential letters and statements of recommendation which were placed in the student's file before January 1, 1975.
- Confidential letters and statements of recommendation placed in the student's file after January 1, 1975 if the student has waived his or her right to inspect those documents.
- Records connected with an application to attend St. Mary's if that application was denied.
- Education records containing information about more than one student, in which case the College will permit access only to that part of the record which pertains to the inquiring student.
- Those records which are excluded from the FERPA definition of education records.

Right of the College to refuse to provide copies:

St. Mary's reserves the right to deny copies of education records if the records are not required to be made available under FERPA, if the student has an overdue financial obligation to the College or if there is an unresolved disciplinary action against the student. The student retains the right to inspect and review the records in the latter two circumstances.

Fee for Copies of Records:

The fee for copies of education records, other than a transcript is \$.50 per page.

Amendment of Records

A student should write the College official responsible for the record, clearly identifying the part of the record he or she wants changed and specifying why the record is accurate or misleading.

The College official will reach a decision and inform the student in a reasonable amount of time after receiving the request. If the request to amend the record is denied, the College official will advise the student of the right to a hearing on the requested amendment and provide information on hearing procedures.

Disclosure of Records

St. Mary's will disclose student education records only with the written consent of the student, except in certain situations when the College retains discretion under FERPA to disclose such records without consent. Consent for the disclosure of a student's education records must be in writing, signed and dated by the student, specifying to whom the records are to be disclosed.

This consent must be renewed each academic year the student is enrolled. A student may revoke this consent at any time by notifying the Registrar's office in writing. St. Mary's may, but is not required to, disclose information in the following circumstances and categories without the written consent of the student.

1. To school officials who have a legitimate educational interest in the records.
2. To certain authorized officials of the U.S. Department of Education; the U.S. Comptroller General; the U.S. Attorney General; or state and local educational authorities.
3. In connection with a student's request for or receipt of 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.
4. To state and local authorities in connection with certain state statutes relating to the juvenile justice system.
5. To organizations conducting certain studies for or on behalf of the educational agency or College.
6. To accrediting organizations to carry out their functions.
7. To parents who claim the students as a dependent for income tax purposes.
8. Information the College has designated as "directory information."
9. To comply with a judicial order or a lawfully issued subpoena, provided the College follows certain notification procedures, or to a court when the College is involved in legal proceedings with a parent or student.
10. To appropriate parties if there is an articulated and significant threat to the health or safety of the student or other individuals.

11. Certain records related to disciplinary proceedings with respect to a crime of violence or non-forcible sexual offense.
12. To comply with a court order obtained under the USA PATRIOT Act of 2001 for education records considered relevant to a terrorism investigation or prosecution, without advance notice to the student.
13. To parents, information regarding disciplinary violations relating to the use or possession of alcohol or controlled substances, in certain circumstances.
14. To officials of another school, upon request, in which the student seeks admission or intends to enroll.
15. The disclosure concerns sex offenders and other individuals required to register under the Violent Crime Control and Law Enforcement Act of 1994 (the Wetterling Act) and the information was provided to the college under federal law and guidelines. **Record of disclosures:**

The College will maintain a record of requests for access to and disclosures of a student's education records (except if the request was from or the disclosure was to parties seeking directory information, parties having student consent, circumstances involving certain grand jury subpoenas, and disclosures pursuant to court order under the USA PATRIOT Act), indicating the legitimate interest that each such person or entity has in obtaining this information. This record of access will be maintained with the education records released.

Prohibition on disclosure:

Except where not required under FERPA regulations (34 CFR 99.33) (e.g., disclosures to parents, disclosures of directory information, disclosures pursuant to court order under the USA PATRIOT Act), the College will inform all third parties to whom personal information from a student's education record is released that no further release of such information is authorized without written consent of the student.

Filing a Complaint

Under FERPA, students have the right to contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-4605, e-mail address FERPA@ed.gov, with a complaint about the College's compliance with FERPA. The complete regulations and full definitions of terminology can be found at: http://www.access.gpo.gov/nara/cfr/waisidx_04/34cfr99_04.html.