Rockhurst University Policy Statement
FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a federal law that regulates the maintenance and release of student records at educational institutions and related agencies. The purpose of the FERPA is to protect the privacy of student education records and affords students certain rights concerning their education records.

The primary rights afforded to students include: (1) the right to inspect and review education records, (2) the right to request to have the education records amended, (3) the right to consent to or prohibit the disclosure of certain information retained by the University, and (4) the right to file a complaint with the United States Department of Education if the student believes his or her FERPA rights have been violated.

Rockhurst University annually informs students of their FERPA rights through a variety of methods such as the University website, Student Handbook, and on campus at the Office of the Registrar. This policy statement sets forth the University's procedures for maintaining the privacy of education records, responding to request for amendments, and disclosing student records in compliance with FERPA.

Education Records

FERPA regulations governing Rockhurst University apply to the education records of current or former students. Records of an individual who applied for admission to the Rockhurst University, but never attended, are not education records under FERPA.

Education records are any records maintained by the University which are directly related to the student. An education record may include, but is not limited to, any of the following: academic records, files, biographical data, course information, grade reports, results of certain examinations, student papers, test scores, advisory information, letters of evaluation, transcripts, admissions information, financial aid information, billing information, disciplinary records, housing records, promissory notes and copies of correspondence. Education records may be maintained in any way, including handwritten notes, print, computer media, video or audio tape, film, microfilm and microfiche.

The following documents are not education records for purposes of FERPA and this policy:

1. Records 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 except a temporary substitute for the maker of the record;

2. Employment records exclusively related to a student's capacity as an employee of the University and not available for use for any other purpose, except where a currently enrolled student is employed as a result of his or her status as a student (e.g., workstudy, graduate assistantship or fellowship with the University);

3. Records maintained by the Rockhurst University Safety and Security Department solely for law enforcement purposes;

4. Medical and mental health records made, maintained or used by professionals in connection with the treatment of a student that are available only to persons providing treatment; and

5. Records that only contain information about an individual after he or she is no longer a student at that agency or institution.

Student Access

Every Rockhurst University student has the right to inspect and review his or her own education record(s), subject to the University's procedures on the time, place and supervision of the inspection. To request education records from Rockhurst University, a student must submit a written request to the Vice President of Academic Affairs and Student Development or Office of the Registrar and identify the record(s) to be inspected.

Rockhurst University will respond to a student's valid request to inspect his or her education records within 45 days of the date the University receives the request. If the records that the student requests to inspect and review may not be disclosed under FERPA, the University will provide the student with a written explanation.

If the records that the student requests to inspect and review are to be disclosed under FERPA, the University will make arrangements for access and notify the student of the time and place where the records may be inspected. At the time of inspection, the student must present identification and will generally be required to review the record in the presence of a University official. If the education records of a student contain information on more than one student, the student may inspect and review or be informed of only the specific information about that student.

A student's right to inspect and review education records does not necessarily include a right to a copy of his or her education record. A student's request for copies of education record(s) will be evaluated on a case by case basis and, if copies are permitted, the student may be charged for the actual cost of copying the record(s).

Confidential letters and statements (e.g., letters of recommendations) will be used only for the purpose for which they were specifically intended. In some instances, a student may waive his or her right of access to confidential letters and statements contained in his or her education records. A valid waiver must be in writing and signed by the student. The University does not require such waivers as a condition for admission or receipt of any service or benefit provided to students.

If a student chooses to waive his or her right of access to confidential letters or statements, the University will not permit the student to inspect and review such letters and statements. Instead,

the student will be notified, upon request, of the names of all persons making such letters or statements. A student's waiver may be revoked in writing at any time and the revocation will apply only to subsequent letters or statements.

ThirdParty Access to Education Records

Rockhurst University restricts thirdparty access to education records and will disclose personally identifiable information contained in the student's education records only with the written consent of the student, except to the extent that FERPA authorizes disclosure without consent. "Personally identifiable information" is information that is linked or linkable to a specific student that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Restrictions on third-party access do not include the release or return of personally identifiable information from an education record to the party who provided or created the record.

Unless disclosure is to the actual student, the student's consent for disclosure to a third party must be written, signed and dated, and must specify the records to be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Student Authorization for Release of Information forms are available from the Office of the Registrar and online. Upon request, the University will provide the student with a copy of any education records disclosed.

With limited exceptions, the University will not disclose personally identifiable information from an education record unless that party to whom the information is to be disclosed agrees to not disclose the information to any other party without the student's consent.

Disclosure without Student Consent

Records may be disclosed without the student's consent in the following circumstances:

6. Education records may be disclosed to a Rockhurst University official who has a legitimate educational interest in the information contained in the education record;

    For purposes of this exception, a University official is a person employed by Rockhurst University in an administrative, supervisory, academic, research or support staff position. A University official also includes members of the Board of Trustees, students serving on an official University committee (i.e. disciplinary or grievance committee), contractors, consultants, volunteers, and other outside parties to whom Rockhurst University has outsourced institutional services or functions that it would otherwise use employees to perform.

A legitimate educational interest exists if the University official needs to review an education record in order to fulfill his or her duties to the University.

7. Education records may be disclosed to officials of another school, upon request, in which a student seeks or intends to enroll or is enrolled;

8. Education records may be disclosed to authorized representatives of the Comptroller General of the U.S., the Attorney General of the U.S., the U.S. Department of Education and State and Local educational authorities, but only in connection with the audit or evaluation of a Federal or State supported education program or in connection with the enforcement of or compliance with legal requirements relating to these programs;

9. Education records may be disclosed in connection with a student's application for or receipt of financial aid, but only to the extent necessary for such purposes as determining eligibility, amount, conditions and enforcement of terms or conditions of the financial aid;

10. Education records may be disclosed to State and local officials to whom such information is specifically allowed to be reported or disclosure pursuant to State law;

11. Education records may be disclosed to organizations conducting educational studies for the purpose of developing, validating, or administering predictive tests; administering student aid programs; and improving instruction, provided the University enters into a written agreement with the organization that specifies the purpose, scope, and duration of the study and the information to be disclosed; requires the organization to destroy or return all personally identifiable information when it is no longer needed for the purpose of the study; states the time period during which the organization must either destroy or return the information to the University; and provides that the study must be conducted so as not to permit personal identification of students by third-parties;

12. Education records may be disclosed to accrediting organizations for purposes necessary to carry out their accrediting functions;

13. Education records may be disclosed to a parent of a student if the student is a dependent of the parent for income tax purposes;

14. Education records may be disclosed in response to a judicial order or subpoena. When not prohibited by the court order or subpoena, the University will make reasonable efforts to notify the student before complying with the court order;

15. Education records may be disclosed to a court in response to a legal action between the University and a parent or student;

16. In a health or safety emergency, where there is an articulable and significant threat to a student or other individuals, education records may be disclosed to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals, if the University records the threat that was the basis of the disclosure and the parties to whom the information was disclosed;

17. Final results of disciplinary proceedings conducted by the University may be disclosed to the victim of an alleged crime of violence or a nonforcibile sexual offense;

18. Education records may be disclosed in connection with certain University disciplinary proceedings;

19. The University may disclose to a parent of a student under the age of 21 the student's violation of any Federal, State or Local law or any rule or policy of the University governing the use or possession of alcohol or a controlled substance if the University determines that the student has committed a disciplinary violation with respect to such use or possession;

20. Personally identifiable information that Rockhurst has classified as "Directory Information" (as detailed below) may be disclosed to the public unless a hold has been placed upon the release of the information by the student; and

21. Education records may be disclosed if received under a State community notification program about a student who is required to register as a sex offender in the State.

In all other instances, personally identifiable information in education records will not be disclosed without the prior consent of the student.

Directory Information

At the discretion of the University, information designated as "directory information" may be disclosed without prior consent of the student. Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the following:

- ☐ Student's name
- ☐ Address
- ☐ Telephone listing
- ☐ Electronic mail address

- ☐ Photograph
- ☐ Date and place of birth
- ☐ Major field of study
- ☐ Dates of attendance
- ☐ Grade level
- ☐ Enrollment status (e.g., undergraduate or graduate; fulltime or parttime)
- ☐ Participation in officially recognized activities and sports
- ☐ Weight and height of members of athletic teams
- ☐ Degrees
- ☐ Honors and awards received
- ☐ Most recent educational agency or institution attended

FERPA permits the University to limit the disclosure of directory information to specific parties, for specific purposes, or both. In the exercise of that authority, the University may release all directory information to members of the University family, defined as administrators, faculty, employees and trustees. Other releases will be limited to those situations in which the University, in its discretion, believes the release would recognize a student for academic or extracurricular achievement or otherwise advance the student's career interests or when the University believes the release would serve to advance the interests and image of the University. Examples of such releases would be the disclosure of directory information to prospective employers, financial aid and scholarship agencies or registry, licensure or certification services. Another example would be the release of directory information in connection with University sanctioned alumni affairs.

The University will provide public notice of disclosure of directory information to students in attendance. The University may disclose directory information about former students without providing such notice.

Directory information may appear in public documents and may otherwise be disclosed without student consent unless the student places a hold on the release of such information. To opt out of the disclosure of directory information, a student must provide written notice to the Office of the Registrar during the first week of each academic term. A student may not use his or her right to opt out of directory information disclosures to prevent Rockhurst from disclosing the student's name, electronic identifier, or institutional e-mail address in a class in which the student is enrolled.

Upon receipt of notice to opt out, the student's directory information will not be released without the student's consent. Rockhurst University will honor all requests to withhold directory information and cannot assume any responsibility to contact a student for subsequent permission to release such information. Regardless of the effect on the student, nondisclosure will be enforced until the student rescinds the decision to opt out of directory information disclosures.

Information Disclosed for Timely Warnings of Crimes

In addition to the exceptions above, Rockhurst University may provide timely warnings of crimes that represent a threat to the safety of students or employees. FERPA does not preclude the institution's compliance with the timely warning provision of the *Jeanne Clery Disclosure of*

Campus Security Policy and Campus Crime Statistics Act—a federal law intended to provide students and their families with accurate, complete, and timely information about safety on campuses so that they can make informed decisions. Information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, Rockhurst University can utilize information from the records of a campus law enforcement unit to issue a timely warning.

Recording Disclosures of Education Records

Rockhurst University will use reasonable methods to authenticate the identity of any party to whom the University discloses personally identifiable information from education records. All personnel of Rockhurst handling requests for disclosure or access to information contained in an education record will maintain a record for each request for and each disclosure of the student's record, except recordkeeping of a request or disclosure is not required if the request was from or the disclosure was to:

22. The student;

23. A Rockhurst University official with a legitimate educational interest;

24. A third-party with written consent from the student;

25. A party seeking only directory information; or

26. A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

The record of disclosure should be kept on the Report of Request For Disclosure of Education Records Form, which indicates the name of the party making the request and what records, if any, were received; the legitimate interest in the records; any additional party to whom the records may be redisclosed; and the legitimate interest the additional party had in requesting or obtaining the information. This form should be kept with the record(s) that are disclosed. The form may be inspected by the student and the University official who has custody of the education record disclosed. Forms are available in the University's Office of the Registrar.

Amendments to Education Records

Any Rockhurst University student who believes that information contained in his or her education record is inaccurate, misleading or otherwise in violation of the student's privacy may request that the record be changed. To request a change to an education record, a student should submit a written request to the University official responsible for maintaining the record. The request should identify the education record to be amended and the specific inaccuracy or misleading statement contained in the record. The request will be sent to the responsible person at the origin of the record in question.

Within a reasonable period of time of the University's receipt of the request, the University will

decide whether to change the record in accordance with the request. If the University decides to refuse to change the record, the student will be notified of the refusal and will be advised of the right to a hearing regarding the request.

A student has thirty (30) days following the University's decision to request a hearing to further challenge the content of an education record. The request for a hearing must be submitted in writing to the University Office of the Registrar. Within a reasonable time of receipt of the request, the student will be notified in writing, reasonably in advance, of the date, place and time of the hearing.

The hearing will be conducted in accordance with the following:

27. A University official who does not have a direct interest in the outcome will conduct the hearing.

28. The student will have a full and fair opportunity to present evidence relevant to the issues raised.

29. The student may be assisted or represented by individuals of his or her choice, including an attorney, at his or her own expense.

Within a reasonable period of time after the conclusion of the hearing, the University will notify the student in writing of its decision. The decision will be based solely upon evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. If the University decides that the information in the student's records is inaccurate, misleading or otherwise in violation of the privacy or other right of the student, the University will amend the record accordingly and inform the student of the amendment in writing.

If the University decides that the information in not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the University will inform the student of the right to include in his or her record a statement commenting on the information and/or explaining any reasons for disagreeing with the University's decision. Any such statement will become a part of the information contained in the education record and will be disclosed whenever the contested portion of the record is disclosed.

Complaints of Alleged Violation of FERPA Rights

Students have the right to file a complaint with the United States Department of Education concerning alleged failures by Rockhurst 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, S.W.
Washington, DC 202024605

For More Information

If you have questions about FERPA, you may visit The U.S. Department of Education's website at http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html or contact the Rockhurst University Vice President and Provost or Registrar.