

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

FERPA

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a federal law enacted to establish procedures for disclosing information contained in student records and to protect the privacy of these records. The Act applies to currently enrolled students beginning at the point of deposit ("fee paid") and former students, but does not apply to individuals who have applied for admission, but never attended Bethel University. Applicants for admission who are denied enrollment or who are accepted but do not pay a deposit do not have a right to review their records. Information obtained on a former student subsequent to graduation or termination of enrollment is not covered under the Act (e.g., data accumulated on alumni). All rights under the Act cease when a person dies; the university will decide on an individual basis what records of deceased students can be released and to whom they will be released.

Bethel University will notify students annually of their rights under the Act by publishing such information in the university catalog. A complete policy is available from the Office of the Registrar.

Currently enrolled and former students have a right to inspect their educational records upon written request. Students must request permission in writing to inspect their records and must present that request to the appropriate office as noted in item three of this policy. The records will be made available to the student for inspection not more than 45 days following the request. A university employee will be present while the student inspects his or her records.

1. Definitions:

- a. A school official is a person employed by Bethel University in an administrative, supervisory, academic or research, or support staff position (including security and safety personnel and health services staff); a person or company with whom Bethel University has contracted (e.g., auditors, attorney, National Student Clearinghouse); a person serving on the Board of Trustees; or a student serving in an official committee or assisting another university official in performing his or her tasks.

- b. Education Records are defined as anything that directly identifies a student and are maintained as official working files by the university. Education records may include: class lists; grade rosters; computer printouts; information on a computer screen; student schedules; documents in the Office of the Registrar; advisee folders; AND anything that contains the following: ID number, Social Security number; grades; exam scores; GPA; number of credits taken in a term; date of birth, etc.
- c. The following files are NOT considered educational records under FERPA:
 - i Records about students made by instructors, professors, and administrators for their own use and not shown to others (sole possession records)
 - ii Office of Security and Safety records maintained solely for law enforcement purposes and kept separate from the education records described above
 - iii Employment records, except where a currently enrolled student is employed as a result of his or her status as a student
 - iv Records of physician, psychologist, or other recognized professional made or used only for treatment purposes and available only to persons providing treatment
 - v Records that contain only information relating to a person's activities after that person is no longer a student at the university
 - vi Financial information submitted by parent(s)/guardian(s)
 - vii Directory information not restricted by the student
 - viii Confidential letters and recommendations placed in the student's record if the student has waived in writing his or her right to inspect those letters and recommendations. Students may revoke a waiver at a later time, but any such waiver must be in writing and is only effective with respect to actions occurring after the revocation.
2. For information about educational records, contact the office in which the records are kept. Types of educational records maintained by Bethel University are as follows:
 - a. Office of Admissions—Application for admission, academic records from past schools attended, recommendations, and related documents. These records are

- transferred to the Office of the Registrar/ Academic Affairs after the student is enrolled.
- b. Office of Financial Aid—Financial aid applications, records of financial aid awarded, and related documents.
 - c. Office of the Registrar—Personal information data, course registration, records of all courses taken including grades, documents related to degree completion requirements, and other related information.
 - d. Business Office—Records related to all charges, payments, and emergency and Perkins loans for educational services rendered by the university.
 - e. Office of Career Development and Calling—Placement data completed by the student, resumes, information on courses taken toward degree, letters of recommendation from faculty and/or employers.
 - f. Academic Departments—Student applications to program, copies of grades, notes from student interviews, faculty recommendations, department recommendations, records of field experiences, clinicals, practica, internships, and other related documents.
 - g. Health Services—Student medical forms, copies of athletic physicals, and records of medical services rendered to the student through the university.
 - h. Office of Student Life—Photograph, ID card information, evaluations from residence hall personnel, interest test results, housing applications, Covenant for Life Together and miscellaneous correspondence, disciplinary information.
 - i. Office of Development—Personal data on alumni of the university and records of financial giving.
 - j. Faculty Advisors—Notes from advising sessions; copies of various communications to and from advisee, faculty, and other offices; and related advising material.
3. Students may request copies of available records when failure to provide a copy of the record would effectively prevent the student from inspecting and reviewing the record. Students must pay a per copy fee. A copy may be refused, but only if, in doing so, the institution does not limit the student's right to inspect and review that record. Unless otherwise required by law, Bethel University transcripts will not be issued to students who are delinquent in paying university charges for educational services or who are behind in financial loan repayments. Copies will not be provided of education records (e.g., transcripts) that were issued by other educational institutions unless authorized by the registrar.
4. Student records will be designated as "directory" or "non-directory" information. "Directory information" may be released at the discretion of university officials without the written permission of the student. Once a year students will be given the opportunity to request that directory information be withheld unless their written approval is given. Students may request to withhold disclosure of directory information by completing a form online or in the registrar's office. A student who is no longer enrolled cannot request that directory information be withheld. Bethel will, however, continue to honor a student's last request with regard to the disclosure or non-disclosure of directory information made while the student was in attendance at Bethel.
- a. 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. Directory information includes, but is not limited to: the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g.; undergraduate or graduate; full time or part time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended.
 - b. Non-directory information is defined as any personally identifiable student information that is not directory information. Directory information does NOT include a student's Social Security number or student identification (ID) number, except as provided in paragraph (c) of this section.
 - c. Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user. [Federal Register, Authority: 20 U.S.C. 1232g(a)(5)(A)].
5. "Directory" and "non-directory information" *must* be released without the written consent of the student to:

Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state or local educational authorities, for audit and evaluation of federal- and state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.

6. "Directory" and "non-directory information" may be released without the written consent of the student to:
 - a. Bethel University personnel who have a legitimate educational interest in the records.
 - b. Officials of another school in which the student seeks to enroll.
 - c. Persons or organizations involving financial aid in order to determine the student's eligibility for financial aid; to determine the amount of financial aid; to determine conditions to be imposed regarding financial aid; and to enforce conditions of financial aid.
 - d. A person or organization retained to be an agent for, or under contract with, Bethel - University (e.g., financial auditors, attorney, National Student Clearinghouse).
 - e. State and local officials as allowed by state statutes concerning the juvenile justice system.
 - f. Organizations that are conducting studies to develop, validate, and administer predictive tests; administer student aid programs; and improve instruction. Those organizations cannot redisclose personally identifiable information of students.
 - g. Accrediting agencies carrying out their accrediting functions.
 - h. Parents of dependent students. Students who are claimed as dependents on their parents'/ guardians' most recent federal tax return.
 - i. To comply with a judicial order or lawfully issued subpoena. The university will notify the student when such a request occurs without the student's knowledge unless prohibited by law.
 - j. Appropriate persons in a health or safety emergency.
7. The university can release information related to a student contained in law enforcement records so long as such records are created by a law enforcement unit, created for a law enforcement purpose, and maintained by a law enforcement unit in a manner that segregates them from records maintained by other components of the university.
8. The Act does not guarantee any rights to parents or guardians of students who are attending post-

secondary institutions. The Act does, however, allow Bethel to provide parents with access to their student's educational records provided the parents claim the student on their federal income tax return. If a student is claimed as a dependent for federal income tax purposes by either parent (regardless of the parents' current marital status), then either parent may have access to the student's education records without the student's consent. Parents who did not file a federal income tax return or did not claim their student as a dependent on their federal income tax return may not have access to their student's education records without their student's express written consent.

If Bethel determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from educational records to any person whose knowledge of the information is necessary to protect the health or safety of the student or others, provided that Bethel will only exercise this authority for the duration of the emergency.

9. Bethel University will maintain a record of requests for access to and disclosure of a student's non-directory information to anyone other than the student, university officials with a legitimate educational interest, a party with the student's written consent, or a party seeking or receiving the records as directed by a court order or lawfully issued subpoena that directs the university to refrain from disclosing the contents of the subpoena or the information furnished in response to the subpoena. A student may inspect the record of disclosure, which will be kept by the office in which the record is maintained unless such inspection is prohibited under the terms of a court order or lawfully issued subpoena.
10. If a student believes that information in his or her record is inaccurate, misleading, or otherwise in violation of his or her privacy rights, he or she may request that a change in the record be made. Such a request must be in writing and submitted to the appropriate university official in whose office the record in question is located (see section three). If the student disagrees with the action taken, he or she may make a written request to that official for a hearing to contest the record. A hearing will be conducted within three weeks of the written request (or as soon thereafter as is practicable) with the student having an opportunity to present all relevant evidence. The hearing panel will consist of the university official in charge of the record in question and two other officials selected by the official in charge. The student will be notified within two weeks of the hearing (or as soon thereafter as is practicable) as to the decision of the official or hearing panel. The

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decision of the hearing panel is final. If the student disagrees with the action taken by the hearing panel or official, he or she may place a statement in his or her educational record giving the reasons for disagreeing with the decision. (NOTE: Appeal of grades or disciplinary action should follow the processes outlined in the student handbook and academic catalog.

11. Enforcement of this act is the responsibility of the:
12. Family Compliance Office, U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-5920
(The only penalty provided for violation of the act on the part of the university is the possible elimination of federal funds received by the university. There is no private cause of action under the Act.)
13. Further information concerning The Family Educational Rights and Privacy Act is available at <https://www.ed.gov>.

authorization to transmit, share, or disclose any or all information received to a third party.

UNAUTHORIZED DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM THE EDUCATION RECORD OF ANY STUDENT IS PROHIBITED.

Legitimate Educational Interests

For these purposes, "legitimate educational interests" shall mean an EDUCATIONALLY RELATED purpose, which has a directly identifiable educational relationship to the student involved and underlies the request.

The following criteria shall be taken into account in determining whether a school official has a legitimate educational interest in the information contained in the student records at issue:

- The official must seek the information within the context of the responsibilities that he or she has been assigned;
- The information sought must be used within the context of official university business and not for purposes extraneous to the official's area of responsibility or to the university;
- The information requested must be relevant and necessary to the accomplishment of some task or to making some determination within the scope of university employment;
- The task must be determined to be consistent with the purposes for which the data are maintained. Requests related to institutional research and studies are subject to this criterion;
- The university will give student information where prescribed by law or when retained by an agent of the university or a party with whom the university has contracted (e.g., auditors, National Student Clearinghouse).

Disclosure to a school official having a legitimate educational interest does not constitute institutional