

# FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA)

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## Purpose and Applicability

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, (“The Act”) 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 on the first day of attendance, and former students.

The Act does not apply to individuals who have applied for admission but never attended Bethel University or applicants for admission who are denied enrollment.

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; Bethel will decide on a case by case basis what records of deceased students can be released and to whom they will be released.

## Definitions

Eligible Student: A student who has reached 18 years of age or is attending an institution of postsecondary education.

School Official:

- 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, such as auditors, attorneys, or the National Student Clearinghouse.
- A person serving on the Board of Trustees.
- A student serving in an official committee or assisting another University official in performing his or her tasks.

Education Records: Records that directly relate to a student and are maintained by an educational institution.

Education records may include:

- class lists;
- grade rosters;
- student schedules;
- correspondence; and
- data in an electronic database.

Education records do NOT include:

- records about students made by instructors, professors, and administrators for their own use and not shown to others (sole possession records);

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- Office of Security and Safety records maintained solely for law enforcement purposes and kept separate from the education records described above;
- employment records, except where a currently enrolled student is employed as a result of his or her status as a student;
- records of a physician, psychologist, or other recognized professional made or used only for treatment purposes and available only to persons providing treatment (while not education records, these records are subject to FERPA);
- records that contain only information relating to a person's activities after that person is no longer a student at the University;
- financial information submitted by parents(s)/guardian(s);
- directory information not restricted by the student; and
- 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 such a waiver at a later time, but the revocation must be in writing and is only effective with respect to actions occurring after the revocation.

Personally Identifiable Information: All information that is directly related to a student. This information includes both "directory information" and "non-directory information."

Directory Information: Information contained in a record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. At Bethel University, directory information includes:

- student's name;
- address;
- telephone listing;
- electronic mail address;
- photograph or digital image;
- date and place of birth;
- major field of study;
- grade level (freshman, sophomore, etc.);
- 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;
- most recent educational agency or institution attended; and
- Bethel Community Account username, which is used by the student for purposes of accessing or communicating in electronic systems, since this 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.

Non-Directory Information: Any personally identifiable student information that is not directory information. At Bethel University, non-directory information includes, but is not limited to, a student's Social Security number or student identification (ID) number.

Legitimate Educational Interest: An educationally related purpose, which has an identifiable educational relationship to the student involved and underlies a request for the disclosure of education records.

## Student Rights

Currently enrolled and former students have the right to:

- inspect and review information contained in education records within 45 days after Bethel receives a request for access;
- request the amendment of the student's education records that a student believes is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- consent to disclosure, subject to certain exceptions specified in The Act, of personally identifiable information from education records; and
- file a complaint with the Department of Education concerning an alleged failure by Bethel to comply with The Act.

### Procedure for Inspecting Records

Students must request permission in writing to inspect their records and must present that request to the Registrar's Office, who will coordinate the inspection of records.

- The records will be made available to the student for inspection not more than 45 days following the receipt of the request.
- A Bethel employee must be present while the student inspects his or her records.
- 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 may be required to 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.

A student may inspect records 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.

### Procedure for Requesting the Amendment of Records

With the exception of grades or disciplinary actions, 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, clearly identify the part of the record the student wants changed, and submit the request to the appropriate University official in whose office the record in question is located.
- If Bethel decides not to amend the record as requested, Bethel will notify the student in writing that he or she may make a written request to that official for a hearing to contest the record.
- A hearing will be conducted within 30 days of the written request (or as soon thereafter as is practical) 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 practical) as to the decision of the official or hearing panel. The decision of the hearing panel is final.
- If the student disagrees with the action taken by the hearing panel, he or she may place a statement in his or her educational record giving the reasons for disagreeing with the decision.

NOTE: An appeal of grades or disciplinary action should follow the processes outlined in the student handbook and/or academic catalog.

## **Procedure to Request Withholding of Directory Information**

- In the fall semester, students will be notified about the opportunity to request that Directory Information be withheld.
- Students may request to withhold disclosure of Directory Information by completing a form online or in the Registrar's Office.
- Bethel will 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. Bethel cannot assume the responsibility to contact the student for subsequent permission to release Directory Information. Regardless of the effect upon the student, Bethel assumes no liability for honoring an instruction to restrict/withhold Directory Information.
- A student who is no longer enrolled cannot request that Directory Information be withheld. A student who is no longer enrolled can rescind their request to withhold Directory Information.

## **Parent Rights**

The Act generally does not guarantee any rights to parents or guardians of students who are attending post-secondary institutions.

However, at Bethel's discretion, The Act does allow Bethel to provide parents with access to their student's educational records provided the parents claim the student as a dependent 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, at Bethel's discretion, Bethel may disclose information in the student's education records without the student's consent.

As a matter of general practice, Bethel does not release student education records to parents of dependent students without the student's written authorization. Bethel does provide all students with the ability to give parents and other third parties online proxy access to their education records.

## **Offices That Maintain Records**

For information about records, contact the Registrar's office, or the office in which the records are maintained. Types of records maintained by Bethel University are as follows:

- 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.
- Office of Financial Aid—Financial aid applications, records of financial aid awarded, and related documents.
- Business Office—Records related to charges, payments, emergency contact information, and Perkins loans for educational services rendered by Bethel.
- Office of Career Development and Calling—Placement data completed by the student, resumés, information on courses taken toward degree, letters of recommendation from faculty and/or employers
- 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.
- Health Services—Student medical forms, copies of athletic physicals, and records of medical services rendered to the student through the university.
- 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.
- Office of Development—Personal data on alumni of the university and records of financial giving.

- Faculty Advisors—Notes from advising sessions; copies of various communications to and from advisee, faculty, and other offices; and related advising material.

## Disclosure of Education Records

### Conditions Under Which Directory Information May Be Released

Directory Information may be released at the discretion of University officials without the written permission of the student, unless the student has requested that directory information be withheld. If the student has requested that directory information be withheld, the information will not be released without their written consent.

### Conditions Under Which Directory and Non-Directory Information May Be Released

Directory and Non-Directory Information may 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.
- 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 related to those programs.
- Bethel University personnel or other school officials who have a legitimate educational interest in the records. This category includes a person or organization retained to be an agent for, or under contract with, Bethel University, such as financial auditors, attorneys, or National Student Clearinghouse. It also includes personnel from other institutions with whom Bethel University has made consortium arrangements. Disclosure to a school official having a legitimate educational interest does not constitute institutional authorization to transmit, share, or disclose any or all information received to a third party.
- Officials of another school in which the student seeks to enroll.
- 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.
- State and local officials as allowed by state statutes concerning the juvenile justice system.
- 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.
- Accrediting agencies carrying out their accrediting functions.
- Parents of dependent students (that is, students who are claimed as dependents on their parents'/ guardians' most recent federal tax return). However, as a matter of general practice, Bethel does not release student education records to parents of dependent students without the student's written authorization. Instead, Bethel provides all students with the ability to give parents and other third parties online proxy access to their education records.
- 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.
- Appropriate persons in a health or safety emergency. 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.

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.

### **Conditions Under Which Education Records Will Not Be Released**

Unless otherwise required by law, Bethel University official 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.

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

### **Criteria Used to Determine the Legitimate Educational Interest of School Officials**

The following criteria shall be taken into account in determining whether a school official has a legitimate educational interest in the disclosure of student education records:

- 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;

## **Other Faculty and Staff Responsibilities**

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

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; and
- 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.

## **Enforcement**

Enforcement of this Act is the responsibility of the Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-5920.

Further information concerning The Family Educational Rights and Privacy Act is available at [www.ed.gov](https://www.ed.gov) (<https://www.ed.gov>).