

## Disclosure of Student Records Policy

### I. Introduction:

- A. The College of Saint Rose (the College) complies with the Family Educational Rights and Privacy Act (FERPA), as amended. FERPA is commonly known as the “Buckley Amendment” and provides students with the following rights:
1. To inspect and review their education records,
  2. To seek an amendment of their education records, when appropriate,
  3. To limit disclosure of education records and the personally identifiable information contained therein without a student’s written consent, and
  4. To file formal complaints alleging a violation of FERPA with the Family Policy Compliance Office of the U.S. Department of Education.
- B. Each of these rights is detailed further below.

### II. Definitions:

- A. Directory Information: The College defines directory information as a student’s
1. Name,
  2. Local, home, and email addresses,
  3. Local and home telephone numbers,
  4. Major field of study,
  5. Dates of attendance,
  6. Anticipated degree and degree date,
  7. Degrees, honors, and awards received,
  8. Enrollment status (such as undergraduate, graduate, full-time, part-time),
  9. Participation in officially recognized activities and sports,
  10. Height and weight of members of athletic teams,
  11. Undergraduate student grade level (first year, Sophomore, Junior, Senior),
  12. Most recent educational agency or institution attended before the College, and
  13. Photographic image.
- B. Education Records: Records directly relating to a student that are maintained by the College or by a party acting for the College. Education records do not include:
1. Records kept in the sole possession of the maker of that record for use as a personal memory aid;
  2. Records of the law enforcement unit of an educational agency or institution;
  3. Employment records that are made and maintained in the normal course of business, relate solely to that individual’s capacity as an employee, and are not used for any other purpose;
  4. Treatment records made or maintained by a physician, psychiatrist, psychologist, or other professional disclosed only to individuals providing the treatment; and
  5. Records created or received by an institution after a student is no longer a student;
  6. Grades on peer graded papers before they are collected and recorded by a teacher.
- C. Personally Identifiable Information: Information related to the student including which would identify a student including, but not limited to:

1. The student's name,
2. The student's address,
3. A personal identifier such as a social security number or student's identification number, or
4. A student's date of birth

D. School Official: A "school official" is:

1. Any person employed by The College of Saint Rose in any administrative, supervisory, academic or research, or support staff position (including security/law enforcement personnel and health staff);
2. Any person or company with whom the College has an affiliation or a contract and that the College has designated to receive such information (to include without limitation, an attorney, auditor, banking organization, collection agent, contractor, consultant, volunteer or others under contract with the College to perform institutional services and functions);
3. Any person serving on the College's Board of Trustees;
4. Or any student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

E. Student: An individual who has or is attending the College.

III. Inspect and Review Their Education Records:

- A. Students have a right to inspect and review their education records (with certain limited exceptions) within 45 days of when the College receives a request for access.
- B. A student seeking access should submit a request to the Registrar's Office in writing, identifying the records he/she wishes to inspect.
- C. The Registrar's Office will make arrangements for access and notify the student of the time and place where the records may be inspected.
- D. Records that are customarily open for student inspection will be accessible without written request.

IV. Request Amendments of Education Records

- A. Students who believe that an education record is inaccurate, misleading, or otherwise in violation of the student's rights under FERPA should submit a request for an amendment of that record to the Registrar's Office in writing, clearly identifying the record(s) that he/she wants to have amended and specifying the reasons he/she believes them to be inaccurate. The Registrar's Office will notify the student of its decision and, if the decision is negative, of his/her right to a hearing regarding your request for amendment. The Academic Grievance procedure should be used for contesting individual course grades. Information on this process can be found in the Student Handbook or the College Catalog.
- B. If the student requests a hearing, it will be conducted by a College official who does not have a direct interest in the outcome.

1. The student will have a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
2. The College official conducting the hearing will, after considering all relevant information, make a recommendation to the Vice President for Academic Affairs and Provost.
3. Within a reasonable period of time after the conclusion of the hearing, the College 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.
4. If the College decides that the information in the student's records is inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, the College will amend the records accordingly.
5. If the College decides that the information is not inaccurate, misleading, or otherwise in violation of the student's FERPA rights, the College will inform the student of the right to place in his or her record a statement commenting on the information and/or explaining any reasons for disagreeing with the College's decision. Any such explanation will be kept as part of the student's record as long as the contested portion of the record is kept and will be disclosed whenever the contested portion of the record is disclosed.

- V. Disclosures of Education Records and Personally Identifiable Information Contained Within Those Education Records. The College will maintain records of all disclosures made pursuant to this Policy. Such disclosures may include the following:
- A. Student's Written Consent: The College will disclose Education Records and/or Personally Identifiable Information as provided by the student on a written consent or "FERPA Waiver". That document must:
    1. Specify the records that may be disclosed,
    2. State the purpose for the disclosure,
    3. Identify to whom the disclosure is to be made, and
    4. Be signed and dated.
  - B. School Officials: The College may disclose Education Records and/or Personally Identifiable Information to School Officials with "legitimate Educational Interests". A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill the official's professional or assigned responsibility.

- C. Directory Information: Directory Information may be disclosed without a student's consent unless the student notifies the Registrar's Office in writing. Students who do not want to have their information published in the student directory, must notify the Registrar's Office no later than September 30<sup>th</sup> of each year.
- D. Subpoenas or Judicial Orders: Subpoenas or judicial orders for Education Records are provided to the Registrar's Office for handling in coordination with the College's General Counsel. Unless expressly prohibited by the subpoena, the College will make a reasonable attempt to notify the student of the order or subpoena in advance of compliance in order to give the student time to seek protective action. The College will not notify the student of the subpoena or order if:
1. The subpoena is issued by a Federal grand jury and the court ordered that the existence or contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or
  2. The subpoena is issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
- E. Health or Safety Emergency: The disclosure is in connection with a health or safety emergency or to protect the health or safety of a student or other individuals. In a health or safety emergency, the College's written records will include information about the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure and the parties to whom the information was disclosed.
- F. Victims of Crimes: Disclosures may be made in the following limited circumstances:
1. The disclosure is to an alleged victim of any crime of violence or non-forcible sex offense, of the results of any disciplinary proceeding conducted by the College against the alleged perpetrator of that crime or offense with respect to that crime or offense.
  2. The disclosure is to an alleged victim of any crime of violence of the results of any disciplinary proceeding conducted by the College against the alleged perpetrator of that crime with respect to that crime.
- G. Sex Offenders: The disclosure concerns sex offenders and other individuals required to register under 42 U.S.C. 14071 and the information was provided to the College under that federal law or applicable federal regulations.
- H. Terrorism: The disclosure is to comply with an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.
- I. Other Disclosures:

1. The disclosure is to officials of other schools in which a student seeks to enroll or is enrolled, for purposes related to the student's enrollment or transfer. Upon his or her request and at his or her expense, the student is provided with a copy of the records that have been transferred.
  2. The disclosure is to authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, or state or local educational authorities.
  3. The disclosure is to authorized persons and organizations 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 and conditions.
  4. The disclosure is to State and local officials to whom, according to effective state law adopted prior to November 19, 1974, such information is specifically required to be reported.
  5. The disclosure is to organizations conducting educational studies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, pursuant to a written agreement. The studies shall be conducted so as not to permit personal identification of students or parents to individuals other than the representatives of the organization conducting the study who have legitimate interests in the information, and the information is destroyed or returned to the College when it is no longer needed for those purposes.
  6. The disclosure is to accrediting organizations for purposes necessary to carry out their functions.
- VI. File a Complaint with the U.S. Department of Education. If a student believes that the College failed to comply with the requirements of FERPA, the student may file a complaint with the:

Family Policy Compliance Office  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202-4605

**Revision History**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Revisions</b>
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