THE COLLEGE POLICY ON COMPLIANCE WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act (FERPA) was enacted by the United States Congress in 1974 setting forth requirements regarding the privacy of student records. Any educational institution that receives funds under applicable programs administered by the U.S. Secretary of Education must comply with FERPA.

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records, with certain exceptions.

2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA.

A. Definitions:

Student – Any individual who is or has been in attendance at St. John's College.

Educational Records – Any record (in handwriting, print, video or audiotapes, paper, film, computer or other medium) maintained by St. John's College or an agent of the College (including all Staff and Faculty) that is directly related to a student, except as listed below.

Educational Records are **NOT**:

1. A record made by a staff or faculty member if it is kept in the sole possession of the maker of the record, is used only as a personal memory aid, and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.

2. Records created and maintained by the St. John's College Security Office for law enforcement purposes.

3. An employment record of an individual whose employment is not as a result of his or her status as a student, provided the record is used only in relation to the individual's employment.

4. Records made or maintained by a physician, psychiatrist, psychologist or other recognized professionals or paraprofessionals if the records are used only for the treatment of a student and made available only to those persons providing treatment.

5. Records that contain information about an individual after he or she is no longer a student at the College.

B. **Annual Notification**: Students will be notified of their FERPA rights annually by publication in the Student Handbook.

C. **Where You May Find the Federal Regulations Implementing the FERPA Regulations**: A copy of the regulations is on file in the Office of the Registrar.

To comply with FERPA, the College has formulated the following policy:

1. <u>The right to inspect and review the student's education records.</u>

Following are the procedures for the inspection/review of records:

A. Students may inspect and review their education records upon request to the College Registrar. The student should submit to the Registrar a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The Registrar will make arrangements for access as promptly as possible (but within 45 days of receiving the request) and notify the student of the time and place where the records may be inspected. If the records are not maintained by the Registrar, the Registrar 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 specific information that relates to him or her.

B. Limitation on Right to Access: The College reserves the right not to permit a student to inspect the following records:

1. Financial records of the student's parents.

2. Confidential letters and statements of recommendation for which the student has waived his or her right of access under certain circumstances, or which were placed in the student's file before January, 1975.

C. Copies: The College is not required to make copies of records unless the student otherwise would be effectively prevented from exercising his or her right to review and inspect the records (e.g., a former student does not live in the Annapolis area). If copies are provided, the fee will be $.10 per page. Please note that while the student has a right to review and inspect records, the College will not forward copies of records to third parties if the student has outstanding obligations of any kind to the Financial Aid or Treasurer's Office. In addition, the College reserves the right to hold the transcripts of students who have outstanding loan obligations at other institutions that participate in federal financial aid programs or if there is an unresolved question of academic dishonesty or other disciplinary infraction involving the student.

D. Type, Location and Custodians of Education Records

Type	Location	Custodian
Admission Records	Office of the Registrar	Registrar
Academic Records	Office of the Registrar	Registrar
Financial Records	Office of Treasurer and Financial Aid	Treasurer Director of Financial Aid
Health Records	Harrison Health Center	Director of Health Services
Career Service Records	Career Services Office	Director of Career Serv.
Disciplinary Records	Office of the Registrar	Registrar
Absence Records	Office of the Assistant Dean	Director of Student and Administrative Services

Some records are not included in the types listed above, such as copies of correspondence in Offices not listed. The Registrar will collect such records, direct the student to their location, or otherwise make them available for inspection and review.

2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights.

Following are the procedures for requesting the amendment of records:

A. A student must ask the Dean or an appropriate official of the College to amend a record. In so doing, the student should identify the part of the record to be amended and specify why the student believes it is inaccurate, misleading, or in violation of the student's privacy rights.

B. The Dean or an appropriate official of the College shall decide within a reasonable time whether or not to amend the record as requested. If the College decides not to amend the record, it will notify the student of the decision and advise the student of his or her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy rights.

C. If the student wishes to exercise his or her right to a hearing, the student shall notify the Dean or appropriate official of the College in writing. Upon receipt of the request of the student for a hearing, the College will arrange for a hearing within a reasonable time and notify the student, reasonably in advance, of the date, place and time of the hearing.

D. The hearing will be conducted by an official of the College who does not have a direct interest in the outcome of the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the request to amend the student's education records. The student may be assisted, at his or her own expense, by one or more individuals of his or her choosing, including an attorney.

E. Within a reasonable period of time after the hearing, the Dean or an appropriate official of the College will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.

F. If, as a result of the hearing, the College decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

G. If, as a result of the hearing, the College decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he or she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained with the contested part of the record for as long as the record is maintained. Whenever the College discloses the contested portion of the record, it will also disclose the statement.

3. ***The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.***

A. In general, the College will disclose personally identifiable information from a student's education records only with the written consent of the student. However, records may be disclosed without consent under the following conditions:

1. The disclosure is to other College officials who have a legitimate educational interest in the records.

a. A College official is:

i. A person employed by the College in an administrative, supervisory, academic or research, or support staff position, including health or medical staff;

ii. A person elected to the Board of Visitors and Governors;

iii. A person engaged by or under contract to the College, such as attorney or auditor; or

iv. A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another College official in performing his or her tasks.

b. A College official has a legitimate educational interest if the official is:

i. Performing a task within the scope of his or her job duties or engagement;

ii. Performing a task related to a student's education;

iii. Performing a task related to the discipline of a student;

iv. Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid; or

v. Maintaining the safety and security of the campus.

2. The disclosure is to officials of another school in which a student seeks or intends to enroll.

3. The disclosure is to certain officials of the U.S. Department of Education, U.S. Comptroller General, U.S. Attorney General, or state and local educational authorities, in connection with audit or evaluation of certain State or federally supported education programs or for the enforcement of or compliance with federal legal requirements which relate to such programs.

4. The disclosure is in connection with financial aid for which the student has applied or which the student has received, in order to determine eligibility for, amount of, or conditions of the financial aid, or to enforce the terms and conditions of the aid.

5. The disclosure is to certain state and local officials or authorities concerning the juvenile justice system.

6. The disclosure is to organizations conducting certain studies for or on behalf of the College.

7. The disclosure is to accrediting organizations to carry out their functions.

8. The disclosure is to parents of an eligible student who is claimed as a dependent for income tax purposes. The policy of the College is not to release such information to the parents without the consent of the student except under extraordinary circumstances, and for drug and alcohol violations as described in item 15.

9. The disclosure is to comply with a judicial order or lawfully issued subpoena; the College will make a reasonable attempt to notify the student that it intends to comply with the order or subpoena, unless otherwise directed by the order or subpoena.

10. The disclosure is to a court in a legal action between the College and a parent or student.

11. The disclosure is to appropriate parties in connection with a health or safety emergency.

12. The disclosure is information that the College has designated as "directory information" (see below).

13. The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, provided that only the final results of a College disciplinary proceeding with respect to the alleged crime or offense may be disclosed (whether or not the student was found responsible for the violation).

14. The disclosure consists of the final results of a College disciplinary proceeding (reached on or after October 7, 1998) against a student who is an alleged perpetrator of a crime of violence or non-forcible sex offense where the student was found responsible for a violation of the College's rules or policies with respect to the allegation, provided that the disclosure may not identify any other student, including a victim or witness, without the prior written consent of that other student.

15. The disclosure is to a student's parent regarding the student's violation of any law or College rule or policy governing the use or possession of alcohol or a controlled substance if the College has determined that the student committed a disciplinary violation with respect to that use or possession, provided that the student is under the age of 21 at the time of the disclosure to the student's parent.

16. The disclosure is in connection with an ex parte order issued at the request of the U.S. Attorney General in connection with investigation or prosecution of terrorism (USA PATRIOT ACT).

17. The disclosure is of information provided to the College concerning registered sex offenders.

A person to whom the College discloses educational record information may not redisclose the information without the consent of the student, unless otherwise permitted under FERPA.

B. Record of Requests for Disclosure: The college will maintain a record of requests for access to and disclosures of personally identifiable information from a student's educational records as required by FERPA. The record may be reviewed by the student.

C. Directory Information: In compliance with the Family Educational Rights and Privacy Act, the College designates the following categories of information with respect to each student presently or previously attending the college as "directory information" which may be disclosed by the College at its discretion, without the student's prior written consent: the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, field of study, enrollment status, class schedule, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Current students have a right to inform the College within a reasonable period of time that any or all of the above information about the student should not be designated as directory information.

4. ***The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College 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 SW
Washington, D.C. 20202-4605

3/2004