

<b>SUPERSEDES:</b> 9/08/2015	<b>SECTION:</b> Academic and Student Affairs
<b>POLICY AND PROCEDURE MANUAL MERCY COLLEGE OF OHIO, TOLEDO, OHIO</b>  Signature on file  <hr/> Signature: Dr. Susan Wajert, President	<b>CODE NO.</b> 510
	<b>SUBJECT:</b> Family Educational Rights and Privacy Act (FERPA)
	<b>DATE ORIGINATED:</b> 12/94
	<b>DATE COMMITTEE BOARD APPROVED:</b> 2/27/2018
	<b>DATE BOARD APPROVED:</b> 3/13/2018
	<b>DATE OF TECHNICAL REVISION:</b> 4/12/2018
	<b>DATE OF NEXT REVIEW:</b> 2020 September 1-30

## **Family Educational Rights and Privacy Act (FERPA) Policy**

### **INTRODUCTION:**

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal privacy law affording students certain rights related to the release of and access to their education records. The Office of Student Records ensures compliance with FERPA at Mercy College of Ohio (“the College”), and this office should be contacted with any questions or concerns about this policy. Additionally, you may contact the following with any questions about your FERPA rights or to request clarification or further information:

Office of Student Records, 419-251-8989, registrar@mercycollege.edu

### **PURPOSE:**

To ensure the privacy and protection of student files.

### **SCOPE:**

FERPA applies to enrolled students, not students who have applied but never enrolled. All College employees are responsible for knowing and abiding by this policy.

### **POLICY:**

FERPA affords students certain rights with respect to their education records. The definition of “education records” is any record maintained by the College that is directly related to a student and includes, but is not limited to, grades, transcripts, and disciplinary files. Education records can exist in any medium, including hardcopy, typed, or electronic. However, there are some exclusions from the definition of education records, including:

1. Records kept in the sole possession of the maker, that 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. Records of the College’s law enforcement unit that are created by it for law enforcement purposes and maintained by it;
3. Records relating to an individual who is employed by the College (except if the individual

- is a student employed as a result of his or her status as a student) that are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee and are not available for any other purpose;
4. Records on a student 18 years of age or older made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity so long as the records are made, maintained or used only in connection with treatment of the student and are disclosed only to individuals providing treatment;
  5. Records created or received by the College after the student is no longer in attendance and are not directly related to the individual's attendance as a student.

Beginning with the first day of the student's first term at the College, students have the following rights under FERPA:

1. **THE RIGHT TO INSPECT AND REVIEW THE STUDENT'S EDUCATION RECORDS WITHIN 45 DAYS OF THE DATE THE COLLEGE RECEIVES A REQUEST FOR ACCESS.** A student should submit to the Office of Student Records, a written request that identifies the record(s) the student wishes to inspect. The College's Office of Student Records will make arrangements for access and notify the student of the time and place where the records may be inspected. The College reserves the right to have a school official present during a student's review of his/her education records. The right of inspection and review includes the right to access and an explanation of the record. It does not include the right to a copy of the education record except in limited circumstances when failure to provide a copy would effectively prevent the student from inspecting and reviewing the record (e.g., the student lives outside of a reasonable commuting distance from the College). Students have the right to inspect their education records regardless of their financial status with the College. However, the College is not required to release an official transcript if the student has a past due account. If the College official to whom the request was submitted does not maintain the records, that official shall advise the student of the correct official to whom the request should be addressed. At the postsecondary level, parents have no inherent rights to inspect or review their son or daughter's education records. This right is limited solely to the student. A student's education records may be released to parents only if they have been given a written release by the student or if an exception to FERPA's general rule against nonconsensual disclosure applies (such as in the case of a health and safety emergency or in order to comply with a lawfully issued subpoena). This right of inspection and access does not extend to the financial records of a student's parents. Also, certain restrictions apply to a student's access to confidential letters and confidential statements of recommendation placed in a student's education records.
2. **THE RIGHT TO REQUEST THE AMENDMENT OF THE STUDENT'S EDUCATION RECORDS THAT THE STUDENT BELIEVES IS INACCURATE, MISLEADING, OR OTHERWISE IN VIOLATION OF THE STUDENT'S PRIVACY RIGHTS UNDER FERPA.** A student who wishes to ask the College to amend a record should write the College official responsible for the

record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Students are permitted to include explanatory comments with the record(s) they believe should have been amended, but the College decided not to modify. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing. Requesting an amendment to an education record is not the proper avenue for challenging course grades. Students challenging a grade must complete Form 510-C Application for Academic Appeal located in the College's Office of Student Records.

3. **THE RIGHT TO PROVIDE WRITTEN CONSENT BEFORE THE COLLEGE DISCLOSES PERSONALLY IDENTIFIABLE INFORMATION FROM THE STUDENT'S EDUCATION RECORDS, EXCEPT TO THE EXTENT THAT FERPA AUTHORIZES DISCLOSURE WITHOUT CONSENT.** The College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests, except to the extent that FERPA authorizes disclosures without consent. *See* 34 CFR § 99.31. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College.
  
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, DC 20202-5901

### **Public Notification of Directory Information**

At its discretion, the College may provide "directory information" in accordance with FERPA. Directory Information is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed. Designated directory information at the College includes the following:

- student's name

- address
- telephone listing
- electronic mail address
- photographs
- date and place of birth
- field(s) of study
- dates of attendance
- class
- enrollment status (e.g. undergraduate or graduate, full-time or part-time)
- degrees, honors, and awards received
- participation in officially recognized activities and sports
- the most recent educational agency or institution attended.

Students may block public disclosure of directory information (all or in part) by notifying the Office of Student Records in writing by using Form 510-B Request to Opt Out of Directory Information.

Students should carefully consider the consequences of a decision to withhold directory information. For example, the names of students who have restricted their directory information will not appear in the commencement program or other College publications. Also, employers, potential employers, credit card companies, loan agencies, scholarship committees, and the like will be informed that the College has no information available about the student's attendance at the College if these entities were to request directory information that has been restricted. A non-disclosure block will prevent the College from releasing any or all "directory information;" thus, any further requests for such information from non-institutional persons or organizations will be refused.

The College will honor requests to withhold directory information but cannot assume responsibility to contact students for subsequent permission to release this information. Regardless of the effects, the College assumes no liability as a result of honoring students' instructions that such information be withheld.

Although the initial request may be filed at any time, requests for non-disclosure will be honored by the College until removed, in writing, by the student. *Please note: a student cannot opt out of the disclosure of his/her name or email address in the classroom environment.*

As a private institution, the College is not governed by the Ohio statutes that allow release of additional types of information to employees, employers and applicants.

For additional information concerning FERPA, please visit:

<http://www.ed.gov/policy/gen/guid/fpco/index.html>

**REFERENCING FORMS:**

510-A-Letter of Recommendation Release Form

510-B-Request to Opt Out of Directory Information Form

510-C-Academic Appeal Form

510-D- Code of Responsibility and Confidentiality of Data Form

510-E- Release and Consent for Disclosure of Student Records Form

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Technical Revision: 04/12/2018 (*Changed Student Records Office to Office of Student Records, grade level to class, changed name of forms 510-B and 510-C and added form 510-E*)

Board Approved: 03/13/2018

Board Committee Approved: 02/27/2018

Revised: January 2018 (*Separated policy from procedure, assigned name/number to forms, changed Registrar to Student Records*)

Board Approved: 09/08/2015

Board Committee Approved: 08/25/2015

Technical Revision Date: 04/25/2012

Originated Date: December 1994

**PROCEDURE 510:**

1. The entire FERPA policy is available in the Office of Student Records for review.
2. All accepted students are treated as adults, and are required to complete Form 510-B Request to Opt Out of Directory Information at orientation allowing the College to either release or not release directory information. This form is then filed in the student's permanent file and noted in the student database system. If the student has not indicated student account access to a parent, spouse, or other individual on the Form 510-B Request to Opt Out of Directory Information, they will NOT be given information from a student's file, other than their own personal data when the parent or spouse is the student.
3. Students will be notified at the beginning of each semester regarding their FERPA rights through the Public Notification of Directory Information via the College's Website, Inside Mercy, and/or by email.
4. All College sanctioned employees (full and part-time faculty, staff, administration, student workers) and those working on behalf of the college in clinical, internship or practicum experiences are required to sign and adhere to Form 510-D Code of Responsibility and Confidentiality of Data, which is signed at the time the employee is hired, and filed in their permanent files. In addition, each new employee receives FERPA training materials from the Office of Student Records. FERPA training occurs annually for employees via college-wide presentation and/or the submission of FERPA training materials in the weekly Mercy College faculty and staff newsletter or other appropriate means of communication.
5. Faculty completing a letter of recommendation for a student must have the student complete Form 510-A Letter of Recommendation Release prior to completing the letter.
6. Institutions requesting information will be given directory information upon request, unless the student has requested that no directory information should be released.
7. Any concerns or questions regarding release of student information should be directed to the Office of Student Records.