

<b>SUPERSEDES:</b> 4/25/12	<b>SECTION:</b> 500-Academic and Student Services
<b>POLICY AND PROCEDURE MANUAL</b>	<b>CODE NO.</b> 510
<b>MERCY COLLEGE OF OHIO, TOLEDO, OHIO</b>	<b>SUBJECT:</b> Family Educational Rights and Privacy Act (FERPA)
 <hr/> Signature: Dr. Susan Wajert, President	<b>DATE ORIGINATED:</b> 12/94
	<b>DATE REVISED:</b> 04/25/12, 8/2015
	<b>DATE COMMITTEE BOARD APPROVED:</b> 08/25/2015
	<b>DATE BOARD APPROVED:</b> 09/08/2015
	<b>DATE OF NEXT REVIEW:</b> Annually

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

**PURPOSE:** To ensure the privacy and protection of student files.

The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. These rights include:

1. **The right to inspect and review the student’s education records within 45 days of the date Mercy College receives a request for access.** A student should submit to the Registrar, a written request that identifies the record(s) the student wishes to inspect. The Mercy College Student Records Office will make arrangements for access and notify the student of the time and place where the records may be inspected. A school official will be present during a student’s review of his/her education records. 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. Note: Some information in a student’s education records is not subject to review by the student (i.e. financial records of the student’s parents).
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 Mercy 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 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. Students challenging a grade must complete a Notification for Academic Appeal form located in the Student Records office.
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

For additional information concerning FERPA, please visit:

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

**PROCEDURE(s):**

1. The entire FERPA policy is available in the Registrar's office for review.
2. FERPA act applies to enrolled students, not applicants. Questions concerning applicant files are to be addressed to the Vice President of Strategic Planning and Enrollment Management.
3. All accepted students over the age of 18 are treated as adults, and are required to complete a Disclosure of Directory Information Form 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 Disclosure of Directory Information form, 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.
4. Students will be notified at the beginning of each semester annually regarding their FERPA rights through the Public Notification of Directory Information via the Mercy College Website, Inside Mercy, and by email. Public Notification of Directory Information sent to students can be found in Appendix I.
5. 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 the Code of Responsibility and Confidentiality of Data (Appendix II) which is signed at the time the employee is hired, and filed in their permanent files. In addition, each new employee will receive the Top 10 FERPA Tips for future reference (Appendix III). FERPA training occurs annually for employees via college-wide presentation or the submission of FERPA tips in the weekly Mercy College faculty and staff email.
6. Faculty completing a letter of recommendation for a student must have the student complete a Letter of Recommendation Release form (Appendix IV) prior to completing the letter.
7. Institutions requesting information will be given directory information upon request, unless the student has requested that no directory information should be released.
8. Any concerns or questions regarding release of student information should be directed to the Registrar.

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

## Appendix I

### Public Notification of Directory Information

At its discretion, Mercy College of Ohio may provide “directory information” in accordance with the provisions of the Family Education Rights and Privacy Act of 1974 (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 Mercy College of Ohio includes the following:

- student’s name,
- address,
- telephone listing,
- electronic mail address,
- photograph,
- date and place of birth,
- major field of study,
- dates of attendance,
- grade level,
- enrollment status (e.g. undergraduate or graduate, full-time or part-time),
- degrees, honors and awards received,
- participation in officially recognized activities,
- 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 the Registrar in writing by using the Disclosure of Directory Information Form.

Please consider very carefully the consequences of a decision to withhold directory information. A non-disclosure block will call for Mercy College of Ohio not to release any or all of this “directory information;” thus, any further requests for such information from non-institutional person or organization will be refused. *Please note: a student cannot opt out of the disclosure of his/her name or email address in the classroom environment.*

Mercy College of Ohio will honor your request to withhold directory information but cannot assume responsibility to contact you for subsequent permission to release this information. Regardless of the effect upon you, Mercy College of Ohio assumes no liability as a result of honoring your 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.

## Appendix II

### **MERCY COLLEGE OF OHIO** **CODE OF RESPONSIBILITY AND CONFIDENTIALITY OF DATA**

Both federal law (the Family Educational Rights and Privacy Act of 1974 and amendments) and state law (The Ohio Revised code Section 102) are in effect to insure the security and confidentiality of information used in operations is guaranteed. Thus, security and confidentiality is a matter of concern for all employees within Mercy College of Ohio, such as faculty, staff and administration within the Office of the Registrar, and any other persons who have access to the College's data systems or physical facilities. Each person working for or with Mercy College of Ohio holds a position of trust relative to this information. Therefore, each employee or affiliate of Mercy College of Ohio will not:

1. Make or permit unauthorized use of any information.
2. Seek personal benefit or permit others to benefit personally by any confidential information which has come to them by virtue of his/her work assignment and in accordance with College and office policies.
3. Exhibit or divulge the contents of any record or report to any person, except in the conduct of their work assignment in accordance with College and office policies.
4. Knowingly include or cause to be included in any record or report a false, inaccurate or misleading entry.
5. Remove any official record (or copy) or report from the office where it is kept, except in the performance of his/her duties.
6. Publicly post grades in a manner that would divulge personal information, such as social security numbers and names.
7. Release or discuss any student information, such as attendance, grades, and billing matters, with persons other than the student, unless the student has granted permission.
8. Aid, abet, or act in conspiracy with another to violate any part of this code.

Any violations of this code are to be immediately reported to the violator's supervisor.

While your supervisor can assist you in understanding these policies and how we must operate within them, you should become familiar with

- its provisions, particularly those regarding required consent to release information,
- the list of information which can be released without consent of currently and formerly enrolled students,
- how information is designated when the student has indicated that it cannot be released.

When a student has chosen to indicate information is not to be released, the requestor should be advised, "that we are unable to release any information." You are advised to refer any questions or requests for information of which you are unsure to your supervisor.

As custodians of official College records, we all share the responsibility for ensuring the security and privacy of the records and data we maintain. Please study the attached document and, after you have read it, sign the statement below. This acknowledgement will be retained in a file in the Office of the Registrar.

A violation of this policy may lead to disciplinary action.

In addition, the Ohio Revised Code specifies:

*“No present or former public official or employee shall disclose or use, without an appropriate authorization, any information acquired by him in the course of his official duties which is confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.”*

Conviction for violation of the statute is a first-degree misdemeanor (up to 6 months imprisonment and/or \$1000 fine).

## Appendix III

### Top 10 List of Most Important FERPA items

#### 10. The Essence of FERPA:

- Federal law is designed to protect the privacy of education records. It also provides guidelines for appropriately using and releasing student education records.
- Consider the student as the “owner” of the information in his or her education record, and the institution as the “custodian” of that record.

#### 9. Education Record

- Most records from which a student can be personally identified and which is maintained by the institution regardless of its form.
- Handwritten, print, database, email, files, graded materials, class lists, individual student class schedules, financial aid records, etc.
  - College students must be permitted to inspect their own educational records.

#### 8. Directory Information

- Directory information is information contained in an educational record of a student that generally would not be considered harmful or an invasion of privacy if disclosed.
- NOT Directory Information:
  - Directory Information can NEVER include a student’s race
  - Gender
  - Social Security Number
  - Grades
  - GPA
  - Country of Citizenship
  - Religion
- Scenario: If we were to be asked by the hospital for a list of the top 25% of all of our graduating students, we could not comply because the list would infer the GPA of the students.

#### 7. Inspect and Review

- Students have the right to see everything in their “education record,” except:
  - Information about other students;
  - Financial records of parents;
  - Confidential letters of recommendation, if they waived their right of access
- Please consult with your Dean or Registrar concerning the College’s Records Retention Policy before destroying records.
- School officials may inspect student records as long as their intent is academically or administratively related or they have a legitimate education interest.

- Only access what you need to know to do your job
- Curiosity ≠ Legitimate need to know

#### 6. Posting Grades

- It is inappropriate to post grades in a public setting.
- Grades should NEVER be posted by any portion of the SSN or student ID number.
- It is inappropriate to have graded papers accessible in a public area.

#### 5. Letter of Recommendation

- You must obtain the student's written permission before including the student's grades and/or GPA prior to writing a letter of recommendation.
- Written permission must specifically state that the student give you permission to include their grades, GPA, etc. in their letter of recommendation along with their signature.

#### 4. Student in Crisis

- The health or safety emergency exception allows the release of private student data to any party determined to be able to assist the student
- Must document in the student's record what was released, to whom, and for what reason
- Consult with your supervisor before determining the release of information

#### 3. Parents/Spouses

- Parents/Spouses are considered a "third-party," and do not have a right to student information
- You can talk about general public information, but not specifics concerning a particular student

#### 2. Safety

- For the safety of our students, you cannot offer any information concerning the whereabouts of a student to anyone over the phone or in person.

#### 1. Do Your Part

- Do not leave student information on your screen... "Minimize it!"
- Do not leave student information on your desk in plain view... "Flip it, and hide it!"
- "When in doubt, don't give it out!"

For questions, please contact either:

Heather Hoppe, Registrar at [heather.hoppe@mercycollege.edu](mailto:heather.hoppe@mercycollege.edu) or 419-251-8989, or

Family Policy Compliance Office at [ferpa@ed.gov](mailto:ferpa@ed.gov) or [www.gov/policy/gen/guid/fpco/](http://www.gov/policy/gen/guid/fpco/)

#### **Attached Forms**

**510-A-Student Attestation of Receipt and Understanding for FERPA Policy**

**510-B-Letter of Recommendation Release Form**

**510-C-FERPA Disclosure of Directory Information Form**

**510-D-Application of Formal Academic Appeal**