

Saint Francis University Policies & Procedures

Policy Name:	Privacy of Student Records and Release of Information		
Policy Officer:	Provost	Approved By:	President's Council
Responsible Office:	Registrar	Effective Date:	03/27/2017

Policy Statement:

Saint Francis University is committed to maintaining the privacy and confidentiality of education records, to providing students with appropriate access to their education records, and to compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and its regulations. The purpose of this policy is to set forth the University's policies and procedures regarding the privacy of and access to education records.

Scope of Policy:

This policy applies to the education records of all students and former students of Saint Francis University. Faculty, staff and students of the University are expected to comply with this policy.

Definitions:

- **Directory Information:** information contained in an Education Record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The University considers the following listed items to be Directory Information:
 - student's name
 - local and home addresses
 - local and home telephone listings
 - email address
 - date and place of birth
 - major field of study
 - enrollment status (e.g., undergraduate or graduate, full-time or part-time)
 - classification
 - most recent previous school attended
 - dates of attendance
 - participation in officially recognized activities and sports
 - weight, height and position of members of athletic teams
 - degrees, honors and awards received
 - photograph

The University reserves the right to amend this listing consistent with federal law and regulations and will publish any amendments.

- **Education Records:** records, files, documents, and other materials that contain information directly related to a student (personally identifiable information) and are maintained by Saint Francis University or by a University official. Education records take many forms including printed documents and electronic media.

The following records are not considered education records, and are therefore not available for student review:

- Sole possession records (records kept in the sole possession of the maker which are used only as a personal memory aid and are not accessible or reviewed by any other person except a temporary substitute for the maker of the record);
 - Medical or psychological treatment records that include those maintained by the Counseling Center or Student Health Center;
 - Employment records, provided that employment is not contingent upon being a student;
 - Law enforcement records created and maintained by University Police; and
 - Records collected about an individual after that person is no longer a student at Saint Francis University (i.e., alumni records).
- **Legitimate Education Interest:** A school official has a legitimate educational interest in an education record when the official needs to review the record in order to fulfill his or her responsibility on behalf of the University, such as when the official is:
 - Performing a task that is specified in his or her job description or by a contract agreement or other official appointment;
 - Performing a task related to a student's education;
 - Performing a task related to the discipline of a student; or
 - Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

The determination as to whether or not a legitimate educational interest exists will be made by the custodian of the records on a case-by-case basis. When the custodian has any question regarding the request, the custodian should withhold disclosure unless the custodian obtains consent from the student or the concurrence of a supervisor or other appropriate official that the record may be released. The custodian should consult with the Registrar, if necessary.

- **Parent:** the natural parents, a guardian, or an individual acting as a parent in the absence of a parent or guardian.
- **Personally Identifiable Information:** a student's name; the name of a student's parent or other family member; the address of a student or student's family; a personal identifier, such as the social security number or student identification number, or any portion thereof; other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the University community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or information requested by a person who the University reasonably believes knows the identity of the student to whom the education record relates.
- **Record Custodian:** individual or unit that maintains any student-identifiable records.
- **Student:** a student who has reached the age of 18 or who is attending a postsecondary institution at any age. Once a student becomes an eligible student, the rights afforded his or her parents under FERPA transfer to that student.

If a student is attending a postsecondary institution, at any age, the rights under FERPA have transferred to the student. However, in a situation where a student is enrolled in both a high school and a postsecondary institution, the two schools may exchange information on that student. If the student is under 18, the parents still retain the rights under FERPA at the high school and may inspect and review any records sent by the postsecondary institution to the high school. Additionally, the postsecondary institution may disclose personally identifiable

information from the student's education records to the parents, without the consent of the eligible student, if the student is a dependent for tax purposes under the IRS rules.

For purposes of this policy, one is deemed to be enrolled and attending once fees have been paid for a session (semester) or as of the first day of the session (semester) in which the student is enrolling, whichever occurs first.

Persons who have not been in attendance at the University are not eligible students entitled to review their records. Thus, persons who have applied to and been admitted to the University, but who have not yet begun to attend classes, are not eligible to review their records. Also, undergraduate students who, while attending the University, have applied for admission to a graduate program at the University, are not entitled to review records related to that application until they have been accepted and are in attendance in the graduate program.

- **Third party:** any individual or organization other than the student or an official of Saint Francis University.
- **University official:** includes a person employed by the University in an administrative, academic, or staff position; a person under contract with the University, such as an attorney or auditor; or a member of the board of trustees

Notification of Rights Under FERPA:

On an annual basis at the start of each fall semester, the University Registrar shall provide notification to students currently in attendance of their rights under FERPA with respect to their education records. These rights include:

1. The right to inspect and review information contained in the student's education records within 45 days after the day the University receives a request for access.
2. The right to request 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.
3. The right to provide written consent before the University discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
4. The right to file a complaint. A student may contact the Saint Francis University FERPA compliance officer about alleged failures of the University to comply with the requirements of FERPA. The contact information for the University FERPA compliance officer is:

Dr. Stephen Rombouts, Registrar
Saint Francis University
316 Scotus Hall
Loretto, PA 15940
Telephone: (814) 472-3009
Email: srombouts@francis.edu

The Registrar will respond to the complaint in writing after having investigated the allegations, ideally within two weeks of receipt of the complaint.

The student may file a complaint with the U.S. Department of Education concerning alleged failures of the University 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

Inspection of Records:

A current or former student should submit to the record custodian a written request that identifies the record(s) the student wishes to inspect. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the record custodian to whom the request should be addressed. The record custodian will make arrangements for access and notify the student of the time and place where the records may be inspected. Students are provided with this review opportunity within a reasonable time, not to exceed 45 days from the date of receipt of the request by the appropriate record custodian. When a record contains information about more than one student, the student may inspect and review only the records which relate to him/her.

When a student requests access to his or her education records, the record custodian must verify or authenticate the identity of that student before releasing the education records. The student’s identity shall be authenticated as follows:

- For requests made in-person, picture identification may be used (such as a Saint Francis University ID, driver’s license, state identification card, or passport;
- For requests by telephone the student’s identity may be confirmed via a combination of the Saint Francis University student ID number plus some other authenticating information unique to that student (such as birth date or period of attendance).

The following is a list (not all-inclusive) of the types of records that the University maintains, their locations, and their custodians (custodian includes his/her designee).

Type	Location	Custodian
Academic Records/Advising Records (e.g. progress, retention, advising, evaluations)	Office of the School Dean	Dean of School
	Office of the Registrar	University Registrar
	Academic Department office	Chairperson of academic department
	Office of Adult Degree and Continuing Studies	Director of ADCS
	Program offices (CAS, Honors, Gen Ed, etc.)	Director of program
Admissions Files	Office of Undergraduate Admissions	Director of Undergraduate Admissions
	Office of Graduate Admissions of each Graduate/Post-bac program	Chairperson/Program Director of academic program
	Office of Adult Degree and Continuing Studies	Director of ADCS
Career Services Records	Office of Career Services	Director of Career Services
Conduct Records	Office of Student Development	Vice President for Student Development
Counseling Records	Counseling Center	Director of Counseling Center

	<i>Note: The confidentiality of counseling records is maintained in accordance with applicable state and federal law defining the circumstances under which information may be released.</i>	
Cumulative Academic Records (grades, transcripts)	Office of the Registrar	University Registrar
Disabled Student Service Records	Center for Academic Success	Director/Coordinator for Accessibility Services
Enrollment Records (e.g. class lists, student schedule)	Office of the Registrar	University Registrar
	Academic Department office	Chairperson of academic department
	Office of Adult Degree and Continuing Studies	Director of ADCS
	Office of the School Dean	Dean of School
Financial Records	Business Office	Bursar
Financial Aid Records	Office of Financial Aid	Director of Financial Aid
Health Records	Student Health Center	Director of Student Health Center
	<i>Note: The confidentiality of medical records is maintained in accordance with applicable state and federal law defining the circumstances under which information may be released.</i>	
Intercollegiate Athletics Records	Office of Student Athlete Development	Director of Athletics
International Student Records	Office of International Education	Director of International Education
	Office of the Registrar	University Registrar
Payroll Records for employees who are employed as a direct result of their status as students (e.g. workstudy, assistantships, resident assistants)	Business Office	Controller
Miscellaneous Records (student education records not included in the above list)	The appropriate university official/employee will locate and collect such records.	The university official/employee who maintains such records.

Users of the Jenzabar student records system are considered custodians of those student records to which they have access. Records should not be accessed by the user unless a legitimate educational interest exists or some other provision of the policy authorizing release applies.

Right of the University to Refuse Student Access to Records:

Saint Francis University reserves the right to refuse to permit a student to inspect the following records:

- Record of parents' financial status.
- Any and all documents for which the student has waived his or her right of access, or which were placed in the file before January 1, 1975.
- Records connected with an application to attend the University, if that application was denied, or accepted and the applicant never enrolled.
- Those records which are excluded from the FERPA definition of education records.

Any questions on privacy of student records and the release of information should be directed to the Registrar. Requests to locate a student will be referred to the University Police.

Correction of Education Records:

If upon inspection and review of his or her record, the student believes that the record is inaccurate, misleading or otherwise in violation of his or her privacy rights, he or she may ask that the record be changed, or he or she may insert a statement in the file. Any disagreement should be resolved informally, if possible, through a meeting between the student and the person (or her/his designee) responsible for the maintenance of the record segment in question.

Only the Registrar, upon consultation with the Provost, may authorize a correction in a record within the academic file of a student. Similar responsibility is exercised by the Vice President of Student Development, the Vice President of Enrollment Management, and the Vice President for Finance and Administration for the records which are maintained under their authority.

Should the request for a change be denied, the student will be notified of the University's decision and advised of the right to a hearing to challenge the information believed to be inaccurate or misleading. Upon the student's written request to the FERPA compliance officer (srombouts@francis.edu), the University will arrange for a hearing and notify the student, reasonably in advance, of the date, place, and time of the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education record. The University 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 reasons for the decision. The decision of the hearing committee shall be final.

If the University decides that the information is inaccurate or misleading, it will amend the record and notify the student, in writing, that the record has been amended. If the University decides that the challenged information is not inaccurate or misleading, it will notify the student of the right to place in the record a statement commenting on the challenged information and a statement setting forth reasons for disagreeing with the decision. Such a statement shall become a part of the information contained in the education record and will be disclosed with it.

Release of Student Information:

Except as permitted by FERPA (below) or other applicable law, the University can not disclose personally identifiable information from an eligible student's education record to a third party unless the eligible student has provided a signed and dated written consent. The Authorization to Release Education Records electronic form is available on the my.francis portal for this purpose. The student's secure login with password to the University portal satisfies the federal requirement for an electronic signature found in §99.30 of the FERPA regulations. Each submitted authorization for release of education records remains in effect until it has been formally revoked by the student. Student authorization for release is voluntary.

Prior to release of information to a third party, the record custodian must 1) verify that an authorization is on file that specifies the records that may be disclosed, the purpose for the disclosure, and to whom the disclosure may be made; and 2) authenticate the identity of the individual requesting the information. Identity authentication is confirmed by the third party providing the student name and associated release code to the record custodian upon request.

FERPA permits the release or disclosure of personally identifiable information from a student's education record, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. A postsecondary institution may disclose (though not required to do so) personally identifiable information from the education records without obtaining prior written consent of the student:

- To other school officials, including faculty, within Saint Francis University whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the University's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" under § 99.37. (§ 99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence

or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))

- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

Disclosure of Education Records in an Emergency:

The privacy of all records may be broken at a time of emergency defined in terms of the following considerations:

- The seriousness of the threat to health or safety of the student and others.
- The need for access to the record in meeting the emergency.
- Whether the person requesting the records is in a position to deal with the emergency.
- The extent to which time is of the essence in dealing with the emergency.

Parental Notification:

Saint Francis University may release educational record information to parents only when one or more of the following conditions has been met:

- Written consent of the student. A release form is available on the my.francis portal.
- In compliance with a subpoena.
- The student is involved in a health or safety emergency.
- The student is experiencing a violation of the alcohol policy.
- The student is claimed as a dependent (as defined in Section 2152 of the Internal Revenue Code of 1954 and the Tax Reform Act of 1976) on their most recent federal income tax form.

Refusal to Provide Copies:

Saint Francis University reserves the right to deny transcripts or copies of records not required to be made available by FERPA in the following situations:

- The student has an unpaid financial obligation to the University.
- There is an unresolved disciplinary action against the student.

Requests to Restrict Disclosure of Directory Information:

The categories of information defined as Directory Information may be released without written consent of the student. However, students may request, by submitting a completed Request for Non-Disclosure of Directory Information form to the Registrar, that their Directory Information not be released.

Students should consider carefully the consequences of any decision made to withhold their Directory Information as any future requests for such information will be refused. Examples of potential impacts include, but are not limited to: no acknowledgement of attendance at Saint Francis to potential employers; no verification of degrees to requestors; no printing of the student's name in the commencement program; and no press releases pertaining to graduation and/or honors.

Such requests will apply only to subsequent actions by the University and will remain in place until removed by written request of the student. Saint Francis cannot assume responsibility to contact the student for subsequent permission to release it.

Letter of Recommendation Request:

FERPA affords students the right to control the release of information from their education records. FERPA requires the University to collect the student's written consent before disclosing any information from the student's education record to any third party.

Students requesting references for employment, admission to another institution, or other purposes from faculty and/or staff must make this request in writing so that proper consent can be collected. If written consent is received, faculty and staff are limited to providing only directory information and personal observances of the student.

The Authorization for Letter of Recommendation form should be completed and delivered in person, faxed, mailed or e-mailed as an attachment from the student's University-issued e-mail address to the faculty or staff member providing the recommendation. A separate form should be completed for each request. The Authorization for Letter of Recommendation form is available on the my.francis portal.

Waivers:

To ensure the confidentiality of references, certain documents may carry waivers signed by the student relinquishing the right of access to the document. Waivers are subject to the following conditions:

- Waivers can be signed only for the specific purposes of application for admission, candidacy for honor or honorary recognition, and candidacy for employment.
- Waivers cannot be required.
- The student shall be told, upon request, the names of those supplying references.
- Waivers are permanent and may not be withdrawn.
- All items in the student record not covered by waivers are open to the student. Material not covered by waivers may not be concealed by keeping it out of the student's file.

Record Keeping Requirements:

Except in circumstances noted below, the appropriate records custodian will maintain a log of requests for and/or disclosures of information from a student's education records. The log will indicate the name of the party making the request and what records, if any, were received, the legitimate interest in the records, any additional party to whom information may be disclosed, and the legitimate interest the additional party had in requesting or obtaining the information. Eligible students have a right to inspect and review the log of disclosures. This record keeping is not required if the request was from, or the disclosure was to:

- the student
- a school official determined to have a legitimate educational interest
- a party with written consent from the student
- a party seeking directory information
- a Federal grand jury or law enforcement agency pursuant to a subpoena that by its terms requires nondisclosure.

Dissemination of this Policy:

This policy is available on the my.francis portal and the Student Consumer Information guide available on the University's web site.

Approved by President's Council 10/15

Revision approved by President's Council 06/16, 03/17