

FERPA Policy and Procedures

Annually, PA College of Health Sciences (PA College) informs students of the Family Educational Rights and Privacy Act of 1974, as amended. This Act, with which the College intends to comply fully, was designed to protect the privacy of educational records.

The Family Educational Rights and Privacy Act (FERPA) affords 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 day the College receives a request for access.

Students should submit to the Registrar, Dean, head of the academic department, Student Financial Services Director or other appropriate official, a written request that identifies the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes is inaccurate or misleading.

Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

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.

One exception, which permits disclosure without consent, is disclosure to school officials or agents with legitimate educational interests. 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); an agent, may include a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent) to provide a service that the College would otherwise perform and may include a communication and data service; 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 responsibility. Upon request, the College may disclose education records without consent to officials of another school in which a student seeks or intends to enroll.

PA College has designated certain information in the education records of its students as directory information for the purposes of FERPA. Directory information will be released at the discretion of the College and without the consent of the student unless the student informs the Office of the Registrar in writing that all such information about him or her is not to be made public without his or her consent.

The following is considered directory information at PA College: the student's name, address, e-mail address, telephone number, day and month of birth, major field of study, participation in officially recognized activities and sports, dates of attendance, enrollment status, photographs, degrees and awards received, scholarships and names of previously attended educational institutions.

Information will be made available to the parents of a student only when written permission is received from the student for release of any official information from his or her records. Student requests for information to be sent to third parties (another college or university) or to parents must be made in writing.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by PA 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 20202-8520

Other than directory information, information in a student's education record will not be released to anyone without the prior written consent of the student concerned or upon presentation of a court order or subpoena, except as stipulated by the provisions of the Family Educational Rights and Privacy Act.

The form *Student Request to Inspect and Review Education Records* will serve as:

- a) The written notification to the College of the student's request for review.
- b) Student will acknowledge the accuracy and/or completeness of their records.
- c) Student will not acknowledge the accuracy and/or completeness of their records.

The custodian of the records has 45 days to establish the time and place of the inspection. Copies may be provided to the student if requested. However, if a hold that would normally prohibit copies of the record to be sent is in effect, then the student may not have copies of the records. If the student lives such a distance from the college as to make travel inconvenient copies may be mailed to the student except if a hold is in effect. Then arrangements may be made with an agent of the College, an attorney, another College or University, etc., to allow the student to inspect the records but not receive any copies.

If the student is not satisfied with the accuracy and/or completeness of their records and wishes to have them amended then the student must complete the form *Request to Amend Education Records*. This form will permit the student to specifically identify the records that are inaccurate or misleading and request that the College amend them. If the custodian of the records agrees to the amendment the record will be changed and the student notified. If the custodian does not agree to the amendment the student will be notified as to the reason of the disapproval of the request.

If the student disagrees with the disapproval of the request to amend, the student may request a formal hearing to challenge the content of the records. If the results of the hearing determine that the information in the record is inaccurate or misleading the record will be amended accordingly. If the results determine that the information is not inaccurate or misleading the student will be notified and the student will be informed that they may place a statement in the record commenting on the contested information in the record and/or stating why they disagree with the decision of the College. The statement will be maintained with the contested part of the record for as long as the record is maintained and the statement will be disclosed whenever the portion of the record to which it pertains is disclosed.

The College will hold the hearing within a reasonable time after receiving the request and notify the student in advance of the hearing the time, place and date of the hearing. The hearing will be conducted by an individual with no direct interest in the outcome of the hearing. The student will be able to present evidence relevant to the issues of the inaccurate or misleading information. The student may, at their own expense, be assisted or represented by individuals of their choice, including an attorney. The College will make its decision within a reasonable amount of time after the hearing and inform the student of the decision in writing. The decision must be based solely on the evidence presented and must include a summary of the evidence and the reason for the decision.

The College, as permitted by the law, may disclose personally identifiable information without the consent of the student. Some of these instances include college officials, authorized representatives of the Attorney General, Comptroller General, Secretary, state and local educational authorities, financial aid application, state and local officials authorized by state law, consultants hired by the College, accreditation, health or safety emergencies, directory information, to the student, parent, if student is

under 21, in regard to alcohol or drug use or possession, disciplinary proceedings, to the victim of an alleged perpetrator of crime of violence or non-forcible sex offense and subpoenas.

Subpoenas received at the College must be forwarded to the appropriate office so that the following steps can be taken:

- a) verify that it is a valid subpoena,
- b) verify that the court issuing the subpoena has jurisdiction in Lancaster County,
- c) determine what is being requested; is the person a student and what specific records are requested, if you are uncertain or if the subpoena is unclear contact the court or the attorney,
- d) determine that the subpoena conforms to FERPA; does it require no prior notification to the student. If the subpoena is issued by a federal grand jury or one issued for law enforcement purposes and orders the custodian not to notify the student, the records can be sent by the specified date in the subpoena.

In all other cases we must notify the student in writing that their education records have been subpoenaed and that we will comply by X date; 10 working or 14 calendar days after receipt of the subpoena. If the date to comply in the subpoena is sooner than 10 working days, the attorney must be contacted and informed of the FERPA notification requirement. If the date to comply is longer than the 10 working days we will hold the records and release them on the specified date.

The Solomon Amendment was enacted in 1996 and it requires colleges and universities to provide directory type information on students at least 17 years of age upon request of representatives of the Department of Defense for military recruiting purposes. This information, referred to as “student recruiting information” includes student name, address, telephone number, date of birth, level of education, academic major, degrees received and the most recent previous education institution at which the student was enrolled.

Where the College has discretion as to the items identified as directory information under FERPA, there is no such discretion under Solomon. The elements are defined by law and institutions are required to provide such recruiting information once a term to each branch of the armed services. A second important distinction is that students may opt out of having their directory information disclosed to third parties without their written permission under FERPA. There is no specific request for non-disclosure of recruiting information. Although the Department of Defense will honor a FERPA non-disclosure request for the purposes of satisfying a request made under the Solomon Amendment.