

Pennsylvania College of Health Sciences
ADMINISTRATIVE POLICY STATEMENT

Issued: 11/21/00
Last Revised: 6/9/19
Last Reviewed: 6/9/19

Policy 10.1.7

Education Records (“FERPA”)

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Purpose: To provide guidance to students regarding their right to the privacy of education records.

Scope

This policy applies to all members of the PA College community, especially those employees who may work with students education records.

Definitions

Family Educational Rights and Privacy Act of 1974 (“FERPA”)

A federal privacy law affording students certain rights related to the release of and access to their education records.

Education Records

See the definition in Policy Detail below.

Directory Information

See the definition in Policy Detail below.

Records Custodian

An individual responsible for keeping education records in the ordinary course of business.

Policy Detail

The Registrar’s Office ensures compliance with FERPA at the Pennsylvania College of Health Sciences, and this office should be contacted with any questions or concerns about this Policy.

Edwin Addis

Registrar

850 Greenfield Road, 1st Floor of Stoudt Building

717-947-6213

esaddis@pacollege.edu

Additionally, you may contact the following with any questions about your FERPA rights or to request clarification or further information:

Joseph M. Peltzer, JD

Compliance Officer/Title IX Coordinator

850 Greenfield Road, 2nd Floor of Stoudt Building

717-947-6339

jmpeltzer@pacollege.edu

Definition of Education Records and Exclusions

The definition of "education records" is a record maintained by the College that is personally identifiable to a student. This includes, but is not limited to: grades, transcripts, and disciplinary files. Education records can exist in any medium, including hardcopy or electronic. However, there are some exclusions from the definition of education records, including but not limited to:

- A. 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;
- B. 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;
- C. 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; and
- D. Records created or received by this College after the student is no longer in attendance and which are not directly related to the individual's attendance as a student.

Student Rights Under FERPA

Beginning with the first day of the student's first term at PA 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 day the 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 College official will arrange for access and notify the student of the time and place where the records may be inspected. If the College official does not maintain the records to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
 - a. The College reserves the right to have a school official present during a student's review.
 - b. 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).
 - c. 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, which may include the student account or collections.
 - d. 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 (see Section Authorizing the Release of Education Records) 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).

- e. 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 and the Registrar together, 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.
 - a. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing, if necessary, but the following general procedures will be followed:
 - i. The Associate Vice President for Student Affairs will appoint a hearing officer or panel.
 - ii. A hearing will be held within a reasonable amount of time after the request for the hearing has been received.
 - iii. The hearing officer/panel will notify the student, reasonably in advance, of the date, place, and time of the hearing.
 - iv. If the hearing officer/panel supports the complaint, the education record will be amended accordingly and the student will be so informed.
 - v. If the hearing officer/panel decides not to amend the education record, the student has the right to place in the education record a statement commenting on the challenged information and/or stating the reasons for disagreement with the decision. This statement will be maintained as part of the education record as long as the contested portion of the record is maintained.
 - b. Requesting an amendment to an education record is not the proper avenue for challenging course grades. A student may challenge a final course grade by following Policy 2.2 Grading, found on the My PA College Portal.
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. Below is a non-exhaustive list of parties and

conditions under which FERPA allows the College to disclose education records without consent (other exceptions can be found at 34 CFR § 99.31):

- a. To school officials with a legitimate educational interest. A school official at PA College is defined as 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 supervising an educational experience (such as clinical experience, practicum, internship, etc.); a person or organization related to credentialing or licensing a student; 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.
 - b. To officials at another college or postsecondary institution where the student seeks or intends to enroll or has enrolled.
 - c. In connection with the application for, or receipt of, financial aid.
 - d. To accrediting organizations.
 - e. To comply with a judicial order or lawfully issued subpoena. All subpoenas will first be reviewed by the College's legal counsel to determine the appropriate course of action.
 - f. To parents of a dependent student under the Internal Revenue Code.
 - g. When there is an articulable and significant threat to the health or safety of a student or other individuals. Factors the College may consider in making a decision to release such information in these situations are: (1) the severity of the threat to the health or safety of those involved; (2) the need for the information; (3) the time required to deal with the emergency; (4) the ability of the parties to whom the information is to be given to deal with the emergency.
 - h. When the information has been classified by the College as "directory information" (see below for more discussion about directory information).
4. The right to file a complaint. Students are encouraged to bring their complaints or other questions regarding the implementation of this Policy and potential non-compliance to the attention of the Registrar. Complaints will be considered promptly by the Registrar. It is the Policy of PA College to address and correct non-compliance with this Policy, if it is identified. Students may also 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:

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Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

Directory Information

Directory information is data about a student which can be released without prior consent because it would not generally be considered harmful or an invasion of privacy if disclosed. The College designates the following items as directory information:

- the student's name, address, email 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, and scholarships received
- names of previously attended educational institutions

Unless the College has been notified in writing by the student that directory information about himself/herself is not to be released, the College may release such information at its discretion and without further permission. Note, however, that the College reserves the right to not disclose directory information in some situations and may choose to limit the scope of the release to specific parties, for specific purposes, or both, even if a student has not opted-out of such disclosures.

Students who do not wish to permit the distribution of such information must notify the Registrar's Office in writing via email by the first Friday of the semester. The College will honor these written request for non-disclosure for only one semester; authorization to continue withholding directory information must be filed during each ensuing semester of attendance. Students may request that all or part of their directory information not be released.

The College will honor all requests to withhold any of the categories of directory information, but will not assume any responsibility to contact the student for subsequent permission to release that information. Student should realize that requesting that directory information be withheld could have consequences. 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. Regardless of the effect on the student, the College

assumes no liability for honoring a request of the student to restrict the disclosure of directory information.

Notwithstanding the above, a student may not opt-out of the disclosure of the student's name, identifier or College email address in a class in which the student is enrolled, absent a safety concern presented to the College's Compliance Officer/Title IX Coordinator.

Authorizing the Release of Education Records

Students may authorize the release of education records protected by FERPA to designated parties by using the College's Disclose Academic Information Release (FERPA) Form, available at My PA College Portal > College Services and Resources > Forms.

The consent form must specify records to be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure must be made.

Retention of Records

Records Custodians should periodically screen their respective education records and data containing Personally Identifiable Information to ensure that only those required or necessary are retained in accordance with laws and regulations, and the College's own guidelines, on records retention. Disclosure logs and any statements of explanation must be maintained as long as the education records to which they pertain are maintained.

In situations where an outstanding request to inspect education records or data has been received, the respective Records Custodian must retain such records or data until the inspection is complete.

References: Family Educational Rights and Privacy Act of 1974

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