



# Family Educational Rights and Privacy Act (FERPA)

In accordance with the Family Educational Rights and Privacy Act (commonly referred to as FERPA) the University has adopted the following policies and procedures to protect the privacy rights of students.

## DEFINITIONS

The University uses the following definitions in this policy.

**Student:** any person who is enrolled or has attended the University.

**Education records:** any record maintained by the University which is directly related to a student, with the following exceptions:

1. Personal records kept by University employees that are in the author's sole possession and are not accessible or revealed to any other person.
2. Employment records unless the employment records are contingent on the fact that the employee is a student (i.e. work-study students).
3. Records maintained by the Safety and Security Office solely for law enforcement purposes.
4. Records maintained by the Health Center.
5. Alumni records.

## LOCATION OF RECORDS

Following are the types of education records that the University maintains, their locations, and their custodians.

1. Admissions records, academic records, academic progress records, and advising records are located in the offices of Admissions and Records. The Registrar is the custodian for these records.
2. Financial Records are located in the Office of Financial Aid. The Director of Financial Aid is the custodian of these records.
3. Nonacademic Records are located in the Office of Student Development. The Vice President of Student Development is the custodian of these records.

## INSPECTING EDUCATION RECORDS

A student may inspect and review his/her education records upon request to the appropriate record custodian. The student should submit in writing his/her request which identifies as precisely as possible the records he/she wishes to inspect. The custodian will make the necessary arrangements for access within 45 days after receipt of the written request and will notify the student of the time and place where the records may be inspected.

## FEES FOR COPIES OF RECORDS

The fee for a transcript of the student's permanent University of Providence's academic record is \$10 per copy.

### Right of the University to Refuse Access

1. The financial statement(s) of the student's parents.
2. Letters and statements of recommendation for which the student has waived his/her right of access, or which were placed in the file before January 1, 1975.
3. Records connected with an application to attend the University if that application was denied.
4. Education records containing information about more than one student; in which case the University will permit access only to that part of the record which pertains to the inquiring student.
5. Those records which are excluded from the FERPA definition of education records.

## RIGHT OF THE UNIVERSITY TO REFUSE TO PROVIDE COPIES

If the student has an unpaid financial obligation to the University, the University reserves the right to deny transcripts or other copies of records which are required to be made available under FERPA.

### Disclosure of Education Records

The University will disclose information from a student's education records only with the written consent of the student, except:

1. To school officials who have legitimate educational interest in the records. A school official is:
  - a. a person employed by the University in an administrative, supervisory, academic, research, or support staff position;
  - b. a person elected to the Board of Trustees;
  - c. a person employed by or under contract to the University to perform a special task, such as legal counsel or an auditor.

### A school official has legitimate educational interest if the official is:

- a. performing a task that is specific in his/her job description or by a contract agreement;
  - b. performing a task related to the student's education
  - c. performing a task related to the discipline of a student;
  - d. providing a service or benefit relating to the student or the student's family, such as health care, counseling, job placement, or financial aid.
2. To officials of another school, upon request, in which a student seeks to enroll.
  3. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.

4. In connection with a student's request for or receipt of financial aid, as needed to assess eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. If required by a state law requiring disclosure that was adopted before November 19, 1974.
6. To organizations conducting authorized studies for or on behalf of the University.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent.
9. To comply with a judicial order or a lawfully issued subpoena.
10. To appropriate parties in a health or safety emergency.

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and personally identifiable information (PII) contained in such records—including your Social Security Number, grades, or other private information—may be accessed without your consent.

First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to your records and PII without your consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution.

Second, Federal and State Authorities may allow access to your education records and PII without your consent to researchers performing certain types of studies, in certain cases even when we object to or do not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive your PII, but the Authorities need not maintain direct control over such entities.

In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

### Record of Requested for Disclosure

The University will maintain a record of all requests for and disclosures of information from a student's education records. The record will indicate the name of the party making the request and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the student.

### Directory Information

The University designates the following categories of student information as public or "directory information." This information may be disclosed by the institution at its discretion.

Student name (including previous names), current enrollment, dates of attendance, class standing, previous institution(s) attended, major field of studies, awards, honors, degree(s) title and date conferred, and full-time or part-time status, local and permanent address, telephone numbers, UProvidence student email, past and present participation in officially recognized sports and activities, including physical factors (height, weight of athletes).

Currently enrolled students may either give permission to release all directory information or decide not to disclose any of the directory information. To withhold disclosure, written notification is required on a Disclosure of Directory Information form, available in Registrar's Office. Directory information will be withheld indefinitely until the Registrar's Office receives, in writing, a revocation of the request for nondisclosure.

The University will honor a request to withhold information but cannot assume responsibility to contact the student for subsequent permission to release. The University will not change the student's disclosure status until the student notifies the University in writing. Regardless of the effect upon the student, the institution assumes no liability as a consequence of honoring instructions that directory information be withheld. The University assumes that failure on the part of any student to request specifically the withholding of directory information indicates approval for disclosure. If the student does not return the Disclosure of Directory Information form to the Registrar's Office by the specified date, the University will assume that implied permission has been granted to release all directory information.

### Correction of Education Records

If a student believes that any information contained in his/her education records is inaccurate, misleading, or in violation of privacy rights, the student may request in writing that the responsible office amend the record. The student should identify the part of the record he/she wants changed and specify why he/she believes it is inaccurate, misleading, or in violation of privacy rights.

That office will reach a decision and inform the student in a reasonable amount of time after receiving the request. If the record's custodian refuses to amend the record, the student has the right to a hearing. This hearing will be conducted by a hearing officer appointed by the Vice President for Academic Affairs of the University. The hearing officer will be someone who does not have a direct interest in the outcome of the hearing. The hearing will be held within a reasonable amount of time after the request for a hearing has been made. The hearing officer will notify the student, reasonably in advance, of the date, place, and time of the hearing.

The student will be afforded a fair opportunity to present evidence relevant to the issue raised. The student may be accompanied by one other person who is not an attorney. The hearing officer/board will make its decision in writing based on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.

If the hearing officer/board supports the complaint, the education record will be amended accordingly and the student will be informed. If the hearing officer/board decides not to amend the education record, the student has the right to place in his/her education record a statement commenting on the challenged information and/or stating the reasons for disagreeing with the decision. This statement will be maintained as part of the education record as long as the contested portion is maintained.