

Seattle University

Records Policy: **Disclosure of Student Information**

In accordance with the provisions of the Family Educational Rights and Privacy Act (commonly referred to as FERPA or the "Buckley Amendment,") Seattle University has adopted the policies outlined below to protect the privacy rights of its students. These policies will be published annually. Students will be informed of this policy through their Seattle University e-mail account.

The term "educational record" means those records, files, documents, and other materials, in handwriting, print, tape, film, or other medium, which contain information directly related to a student. A "student" is considered to be any person who attends or has attended Seattle University.

There are various types of educational records held at Seattle University:

- 1) The official educational record, which includes the Seattle University transcript, records relating to prior educational experience, and admissions documents are on file in the Office of the Registrar
- 2) Working academic files are maintained by Deans, department chairpersons, and academic advisers in their respective offices
- 3) Records related to a student's nonacademic activities are maintained in the Office of Student Development
- 4) Records relating to a student's financial status are maintained in the Office of the Controller and the Office of Financial Aid

Educational records do not include:

- 1) Records of instructional, administrative, and educational personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a temporary substitute
- 2) Records of the Office of Safety and Security
- 3) Employment records
- 4) Alumni records which contain information about a student after he or she is no longer in attendance at the University and which do not relate to the person as a student

- 5) Student health records (However, health records may be personally reviewed by a physician or other appropriate professional of the student's choosing)
- 6) Records which contain information on the spiritual and psychological development of candidates for the priesthood or rabbinite or a religious order that may be maintained, in addition to basic academic records, by seminaries, schools or departments of divinity or theology which are part of colleges and universities.

Directory Information

In accordance with the provisions of the Act, at its discretion, Seattle University may provide public or "directory information" to anyone inquiring without the student's written consent to include: student name, address, telephone number, date and place of birth, major field of study, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams.

Seattle University has determined its "directory information" will be: student name, major field of study, dates of attendance, degrees and awards received, date of graduation, the most recent previous educational agency or institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams. In addition, the date of birth of the student will be divulged for verification purposes only, that is, the university will confirm or deny the accuracy of the requestor's information only.

Students may withhold directory information by filing a "Request to Prevent Disclosure of Directory Information" in the Office of the Registrar by the close of official registration for each term as announced in the University calendar. Directory information will be withheld indefinitely unless the request to prevent disclosure is revoked in writing at the Registrar's Office.

The only exception to Seattle University's "directory information" and "Request to Prevent Disclosure of Directory of Information" is requested by the "Soloman Amendment". This amendment, signed into law on March 1, 1997 states that institutions are required to provide address listing of all students, on demand, to any legitimate United States military recruiter, without the need to obtain consent of the student.

Disclosure of Information

Seattle University will not provide access to any information from the educational records of students without their written consent except as follows:

- 1) To school officials determined to have legitimate educational interest

A "school official" is:

- A person employed by or under contract with the University in an administrative, supervisory, academic or research, or support staff position
- A person elected to the Board of Trustees
- 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:

- Performing a task that is specified in his or her position description or by a contract agreement
- Performing a task related to a student's education
- Performing a task related to the discipline of a student
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid

- 2) To officials of other educational institutions in which students seek to enroll

- 3) To persons or organizations providing students financial aid

- 4) To accrediting agencies carrying out their accreditation functions

- 5) To authorized representatives auditing and evaluating Federal and State supported programs

- 6) To either parents when at least one parent has established that student's status is as a dependent according to Internal Revenue Code of 1954, Section 152

- 7) To the legal guardian of a student who has established that student's status is as a dependent according to Internal Revenue Code of 1954, Section 152
- 8) To persons in compliance with a judicial order or subpoena (unless the subpoena is signed by a grand jury or issued for law enforcement purposes, the Office of the Registrar will make every effort to notify the student and give the student a minimum of 20 working days to legally respond to the order or subpoena)
- 9) To persons in an emergency in order to protect the health and safety of students or other persons
- 10) To persons, as described by state law, serving a juvenile student within the juvenile system, who first certify in writing, that the information will not be disclosed to any other party without prior consent of the parent/legal guardian or student

Parental Notification Without Student Consent

The Vice President for Student Development, or his/her designee, has the authority to determine when and by what means to notify parents or legal guardians without a student's consent when a student under the age of 21 is found to have violated any law or University rule or policy related to the possession, use or distribution of alcohol or controlled substances. The Vice President for Student Development, or his/her designee, will follow these guidelines in determining whether to notify a parent or legal guardian.

The Vice President for Student Development, or his/her designee, may choose to notify parents or legal guardians without a student's consent when:

- 1) The violation involved harm or threat of harm to the student, persons or property;
- 2) The violation involved an arrest in which the student was taken into custody;
- 3) The violation resulted in or could result in the student being suspended from the University and/or dismissed from the residence halls;
- 4) The student has shown a pattern of behaviors or violations that indicate a potential problem; or
- 5) The student who committed the violation became physically ill and/or required medical intervention as a result of the consumption of alcohol and/or controlled substances.

Nothing in these guidelines shall prevent University officials from notifying parents or legal guardians of health or safety emergencies, regardless of the judicial status of the student.

The Vice President for Student Development, or his/her designee, may delegate the notification of parents or legal guardians to other University officials. Whenever possible, a student will be informed that parental notification is planned in advance of the student's parent receiving the notice.

Records of Requests for Disclosure

Seattle University will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information. Any third party to whom records were disclosed may not release that information to any other party without the student's permission. Violation of this law will result in a five year penalty from any further inspection of records at Seattle University. The record may be reviewed by the parents/legal guardian (if the student is a dependent as described in #6 above) or the eligible student.

Inspection and Review of Records

Students may inspect and review their educational records upon written request to the person in charge of the records. That person will comply as soon as possible; under the law this must be done within 45 days after the request has been made.

Students have the right to review and inspect all documents in their file except:

- 1) Financial information submitted by their parents
- 2) Confidential letters and recommendations associated with admissions, honors, employment or job placement to which they have waived their rights of inspection and review or which were placed in the file before January, 1975
- 3) Educational records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student
- 4) Records connected with an application to attend Seattle University if that application was denied

If, after inspecting and reviewing their records, students have any questions about them, they may request an oral or written explanation and interpretation of them.

If, after inspecting and reviewing the records, students believe that any information contained in them is inaccurate or misleading or violates their privacy or other rights, they may request in writing that the office which contains those records amend them. That office must reach a decision and inform students of this decision in writing within a reasonable period of time after receipt of the request. If the office refuses to amend the record in accordance with the students' requests, students have the right to a hearing.

This hearing will be conducted by a person or persons appointed by the Provost, who do not have a direct interest in the outcome of the hearing. The hearing will be held within a reasonable period of time after the request has been made, and students will be given notice of the date, place, and time, reasonably in advance of the hearing.

Students will be afforded a full and fair opportunity to present evidence relevant to the issue raised, and may be assisted or represented by individuals of their own choice at their own expense, including an attorney. If students are represented by an attorney, Seattle University counsel will also be present.

The hearing officer/panel will make its decision in writing within a reasonable time period after the conclusion of the hearing. That decision will be based solely upon the evidence presented at the hearing and will consist of a written statement given to all parties concerned, summarizing the evidence and stating the reasons for the decision.

If, as a result of the hearing, the hearing officer/panel supports the complaint of the students, the educational records of the students will be amended accordingly and the students will be so informed.

If the hearing officer/panel decides against the students, they have the right to place in their record a statement commenting on the information in the record and/or stating the reasons for disagreeing with the decision. This explanation will be maintained by the University as part of the educational record of the students as long as those records are maintained, and whenever a copy of those records is sent to any party, the explanation will accompany them.

Students may request copies of their records as allowed by the Act at their own expense. However, no copies will be released if students have outstanding debts to the University.

Right of Complaint

Copies of this statement and the full text of the Family Educational Rights and Privacy Act of 1974 as amended are available in the Office of the Registrar.

Students who believe that the University is not complying with the requirements of the Family Educational Rights and Privacy Act or the regulations issued by the Department of Education implementing that Act, may file complaints in writing with:

The Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202
(202-732-1807)

Revisions and clarifications to this policy will be published as experience with the law and the institution's policy warrants.

Previously Revised: 07/76
07/77
12/93
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Student's Rights under the Family Educational Rights & Privacy Act (FERPA)

Seattle University's policy regarding the confidentiality of student records is in keeping with FERPA. It is University policy to maintain as confidential all data except that considered to be "directory information." "Directory information" includes: student name, major field of study, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams. In addition, the university reserves the right to confirm or deny, but not provide requestors information regarding date of birth for verification purposes only.

Students have the right to suppress this information and may do so by submitting their request in writing to the Office of Registrar by the last day to register each term, as announced in the University Calendar.

In addition FERPA affords students certain rights with respect to their education records. They are:

- (1) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

Students should submit to the registrar, dean, head of the academic department, vice president of student development or other appropriate official, written requests that identify the record(s) they wish to inspect. A form can be obtained from the Office of the Registrar, which the student may use to request access to Academic Records. Other offices or departments will develop their own method granting access. Following the written request, each office or department 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 University 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 are inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They may write or use the appropriate form as designated by each office to the University official responsible for the record, clearly identifying the part of the record they want changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University 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 of all disclosures of personally identifiable information contained in the student's education records, except "directory information" as stated above and other provisions of FERPA that authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University 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 University has contracted for a service (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 responsibility.

Upon request, the University may disclose education records without consent to official of another school in which a student seeks or intends to enroll, and by law must provide name and address of all students to any legitimate military recruiter who makes such a request in writing to the Office of the Registrar.

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by Seattle 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 20202-4605

A full copy of Seattle University's FERPA policy may be obtained upon request from the Office of the Registrar. (Policy #76-9)