

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.)

### **Access to Records by Students**

Students may inspect all education records pertaining to them that are maintained by Buena Vista University. Student education records are defined as records, files, documents, and other materials that contain information directly related to a student and are maintained by Buena Vista University or by an entity acting for the university.

Student education records do not include records of instructional, supervisory, and administrative personnel, and ancillary educational personnel, that are in the sole possession of the maker and that are not accessible or revealed to any other person except a substitute.

### **Other exclusions include:**

Notes of a professor/staff member concerning a student and intended for the professor/staff member’s own use are not subject to inspection, disclosure and challenge.

Records of security services, except in instances where they are transmitted within the university for administrative purposes.

Records relating to an individual who is employed by an educational agency or institution, not a result of his or her status as a student that:

1. Are made and maintained in a normal course of business;
2. Relate exclusively to the individual in that individual’s capacity as an employee; and,
3. Are not available for use for any other purpose.

Records on students that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in that capacity are not subject to the provisions of access, disclosure and challenge. Such records, however, must be made, maintained or used only in connection with the provision of treatment to the student and are not available to anyone other than the person providing such treatment or a substitute. Such records may be personally reviewed by a physician or other appropriate professional of the students’ choice.

Their parents’ financial information as found on the results of the student’s FAFSA

Application records of students not admitted to the university; however, once a student has enrolled in an academic offering of the university, application information becomes a part of the student’s educational records.

Alumni records.

### **Access to Student Records by Others**

Directory information (name, address, telephone listing, electronic mail address, date and place of birth, field of study, dates of attendance, enrollment status, expected date of completion, class rosters, participation in officially recognized activities, photographs, weight and height of members of athletic teams, degrees, honors, awards received, and the most recent educational institution attended) is public, unless the student expressly prohibits its publication in writing no later than seven days after the beginning of classes each semester/term to the Registrar’s Office. All other personally identifiable information is held in confidence by all Buena Vista University personnel and is not released to others except with the authorization of the student. This authorization is indicated by the student providing to these authorized individuals a ‘personal authorization number,’ (PAN) which is accessed and maintained by the student via Beavernet and the student’s BVU e-mail account.

#### **However, the university may grant access to student records without the consent of the student to the following parties:**

Members of the faculty and administration and the personnel of their offices shall have such access as may be necessary in the normal course of the educational and administrative functioning of the university. This also may include a volunteer or contractor outside of BVU who performs and institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information from education records such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks.

Parents of financially dependent students (as defined by the Internal Revenue Service).

Officers of other educational institutions in which the student seeks or intends to enroll.

Parties in connection with the granting of financial aid to the student.

Persons conducting educational or research studies about universities and students, including accrediting organizations, with the provision that only aggregate (not personally identifiable) data will be made public.

When there exists a bona fide health or safety emergency. This includes alcohol and controlled substance violations.

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.

Certain state and federal officials as mandated by law (law enforcement officers are not included; they are granted access to student records only with the written consent of the student or in case of a court order or subpoena). In the event of a lawful subpoena, with which the university must comply, Buena Vista University attempts to notify the student that a subpoena has been served. The exception to this notification includes the Patriot Act and other restrictions on notification.

Disclosure of the final results of a disciplinary proceeding to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The institution may disclose to the victim the final results, regardless of whether the institution concluded a violation was committed.

To the general public, the final results of a disciplinary proceeding, subject to the requirements of the law, 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.

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.

To accrediting organizations to carry out their accrediting functions.

### **Record of Requests for Access to Student Records**

Buena Vista University maintains, as part of the educational record of the student, a record of all requests for access (whether or not the requests were granted), with the exception of requests for directory information. This record includes the name of the party requesting the information, the date, and the legitimate interest this party had in requesting the information.

Such records are not maintained when the student personally inspects his or her records, when disclosures are made at the request of the student, and when disclosures are made to Buena Vista University personnel or other parties with legal access.

### **Rights to Inspection**

Students have the right to inspect and review their education records within 45 days of the day the university receives a request for access.

Students should submit to the registrar written requests that identify the record(s) they wish to inspect. The registrar will make arrangements for access and notify the student of the time and place where the records may be inspected.

### **Questions About Record Accuracy: Challenges to Content**

Students have the right to request the amendment of their 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 should write the university 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 university decides not to amend the record as requested, it shall inform the student of its decision. The student then has a right to a hearing before the university and to challenge the content of the student's educational record on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student.

If, as a result of the hearing, the university decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the record accordingly and inform the student in writing of the amendment. Conversely, if, as a result of the hearing, the university decides the information in the educational record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the student of his or her right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the university, or both.

*Note: The above policies and procedures are, to the best of our knowledge, consistent with the requirements mandated by Section 438 of the General Education Provisions Act, as amended (The Family Educational Rights and Privacy Act of 1974—FERPA), and the regulations pursuant thereto as issued by the Department of Health, Education, and Welfare, June 17, 1976.*

A student may file a complaint with the following governmental office regarding an alleged violation by the university of the Family Educational Rights and Privacy Act (FERPA). The complaint must be made in writing and addressed to: Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605. The complaint must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA has occurred. The complaint must be submitted within 180 days of the date of the alleged violation or the date the student knew or reasonably should have known of the alleged violation; the Family Policy Compliance Office may extend this time limit for good cause shown.