

# BUENA VISTA UNIVERSITY

## Buena Vista University's FERPA Policy

The Family Education Rights and Privacy Act (FERPA) is a federal law that governs the release of and access to student education records. FERPA affords Buena Vista University (BVU) students the following rights with respect to their education records:

**1. The right to inspect and review your education records within 45 days of the day BVU receives a request for access.**

A student must submit a written [Request to Inspect and Review Education Records](#) form, specifying the record(s) you 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.

An education record is any record, with certain exceptions, that 1) personally identifies and is directly related to a student or students and 2) is maintained by the institution. Records may be in any format or medium. Examples of educational records entitled to FERPA protections include, but are not limited to:

- Grades
- Transcripts
- Course schedule
- Most conduct and disciplinary files
- Student account and financial aid information
- Student employment details.

Under FERPA, certain records are NOT considered part of the education record. They are:

- Sole Possession Notes. Sole Possession Notes are made by one person as an individual observation or recollection and kept in the possession of the author. As long as these notes remain in the sole possession of the author, they are not considered part of the student's education record. Once these notes are disclosed to another party (or placed in a physical or electronic location where another party could view them) they cease to qualify as sole possession notes and become a part of the student's education record. Also, notes composed in conjunction with a student or in the presence of a student are not considered sole possession notes.
- Law enforcement records
- Health, medical, counseling, and treatment records
- Alumni records unrelated to the student's academic or student affairs records
- Employment records, unless the individual is employed as a result of their status as a student.

**2. The right to request an amendment to your education records if you believe it is inaccurate, misleading, or otherwise in violation of your privacy rights under FERPA.**

A student who wishes to ask BVU to amend a record should submit a written [Request to Amend or Remove Education Records](#) form, clearly identifying the part of the record you want changed, and specifying why it should be changed. The Office of the Registrar will notify you in writing of BVU's decision with regards to your request. If you do not agree with BVU's decision, the Registrar will advise you regarding appropriate steps to request an appeal.

**3. The right to provide written consent before BVU discloses personally identifiable information (PII) contained in your education records, except to the extent that FERPA authorizes disclosure without consent.**

Release of student education records, even to parents of dependent children, is not done at BVU without the express written consent of the student (*see exceptions that permit disclosure without consent below*). If you wish BVU to release all or part of your education record to a third party, you must submit a written Authorization and Consent to Release Education Records form, specifying the record(s) you wish to release and the individual(s) or groups to whom you wish to disclose your education record(s). Please note, if a non-custodial parent is on the Authorization and Consent to Release Education Records form, information in a student's education record may be shared with that parent, at BVU's discretion. However, the non-custodial parent will never be allowed access to the information provided on the student's FAFSA or other financial information, such as a tax return or W-2, and the student will not have access to parent tax/income documents.

FAFSA application data may only be used for the application, award, and administration of Title IV funds (federal), state aid, and institutional aid programs.

Exceptions that permit disclosure without consent are listed below:

- a. Disclosure to school officials with a legitimate education interest.
  - i. A school official is typically a person employed by BVU in an administrative, supervisory, academic, research, or support staff position (including safety and security personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee. A school official also may include a volunteer or contractor outside of BVU who performs an 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 PII 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.
  - ii. A school official is determined to have legitimate educational interest if the information requested is necessary for that official to:
    - perform appropriate tasks that are reasonably necessary based on his or her position or duties;
    - perform a task related to a student's education;
    - perform a task related to the discipline of a student; or
    - provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

Legitimate educational interest does not convey inherent rights to any and all student information. The law discriminates between educational interest and personal or private interest; determinations are made on a case-by-case basis. Furthermore, educational interest does not constitute authority to disclose information to a third party without the student's written permission.

School officials have access to student information only for legitimate use in the completion of their responsibilities as university employees. Need to know is the basic principle – not curiosity. All Buena Vista University employees with access to student-related data must understand the need for maintaining the confidentiality of student records under federal law and University policy. School officials have a legal and ethical responsibility to safeguard confidential student information in their possession.

b. Disclosure of education records that BVU defines as Directory Information. These items may be released without your consent and include:

- Student name;
- Addresses (local/campus and home/permanent);
- Email address (institutional and personal);
- Telephone numbers (local/campus, home/permanent, and mobile);
- Major, Minor and Concentration field of study;
- Date and place of birth;
- Status (including current enrollment, dates of attendance, full or part time, withdrawn);
- Graduation information (including whether a degree was conferred and/or the degree and date it was conferred);
- Class rosters;
- Participation in officially recognized activities and sports (including the weight and height of members of athletic teams);
- Photograph(s) and/or video footage;
- Degrees, honors, awards received (e.g., Dean's List); and
- Most recent educational institution attended.

You have the right to withhold the release of your Directory Information, or if you have previously instructed BVU to withhold Directory Information, you have the right to remove the hold on your Directory Information. To do so, submit a written [Request to Withhold/Release Directory Information](#) form and return to the Office of the Registrar.

Please note: only students who wish to withhold the release of, or remove the hold on their Directory Information need to fill out this form. No action is needed for students who agree with the release of their Directory Information.

- c. To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer;
- d. To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local educational authorities, if the disclosure is in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to these programs;
- e. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid;
- f. To organize conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction;
- g. To accrediting organizations to carry out their accrediting functions;
- h. To comply with a judicial order or lawfully issued subpoena;
- i. To appropriate officials, including parents of a student, in connection with a health or safety emergency;
- j. Information the school has designated as "Directory Information";

- k. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding;
  - l. To the general public, the final results of a disciplinary proceeding, 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;
  - m. 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.
- 4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by BVU to comply with the requirements of FERPA.**

Students are encouraged to contact the Registrar at [RegistrarsOffice@bvu.edu](mailto:RegistrarsOffice@bvu.edu) with questions or concerns about this Policy. Students also have the right to contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave. S.W., Washington D.C. 20202-4605 with a complaint about BVU's compliance with the Act.