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## CARLOW UNIVERSITY POLICY ON FAMILY EDUCATIONAL RIGHTS AND PRIVACY (FERPA)

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Category:	Human Resources, Student Affairs, Academic Affairs, Student Handbook, Faculty Handbook
Purpose:	To educate the campus community regarding Carlow's obligations and practices regarding student education records
Scope:	All employees and all students.
Responsible Party:	Academic Affairs, Human Resources, Student Affairs
Related Policies:	

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The Family Educational Rights and Privacy Act, as amended (FERPA) does three things:

- (1) FERPA allows students to have the right to inspect their own records.
- (2) FERPA creates rules regarding the confidentiality and disclosure of education records, and
- (3) FERPA allows students to ask to have their records amended.

### **I. Carlow University Procedure For Students to Inspect Education Records.**

- A. Students who wish to inspect and review their own education records may submit to the Registrar a written request that identifies the records the student wishes to inspect. A University official will make arrangements for access and notify the student of the time and place where the records may be inspected within 45 days after the request was received. A University official may be present during the inspection and review.
- B. Certain documents are excluded from the student's inspection of his or her education records. These exclusions are: (a) financial information submitted by the student's parents; (b) confidential letters of recommendation related to admission, employment, job placement or honors, placed in the file before January 1, 1975, or thereafter when the student has waived the right to inspect and review such letters of recommendation, (c) information about other students, and (d) documents that are not considered "education records". For example, documents which are in the sole possession of the maker of the document and are not shared with anyone else (except a substitute) are not considered education records maintained by the institution.
- C. In general, students cannot inspect education records of other students unless the other student provides his or her written, signed and dated consent.

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### II. Carlow University Procedures Regarding Disclosures of Student Records

- A. Carlow University Procedures for Students to Permit Disclosure of their Education Records to Their Parents and to Others. Carlow University students are encouraged to allow their parents and guardians to have access to their education records. To authorize disclosure to parents and guardians (and anyone else not listed in the exceptions below), students must provide written, signed and dated, specific authorization specifying the records they wish to share. To do so, students may submit a form Authorization to Release Records with the Registrar. The student may email the completed form to the Registrar ONLY from the student's own Carlow University email account. Otherwise, the student's signature must be hand delivered or mailed to the Registrar's Office. To revoke this authorization, students may alert the Registrar in writing, including by email.
- B. Disclosure with the student's written consent is by no means mandatory or automatic. If a parent or guardian or other designated third party wishes to review a specific record, Carlow will respond to that request by reviewing whether Carlow has the student's written, signed and dated authorization to disclose on file and weighing other interests. In many cases, the University may choose to share information directly with the student to allow the student to determine how and when to share with others.
- C. Written Consent Generally Required. The general rule is that Carlow will not disclose personally identifiable information from the records of a student without the student's prior written consent. The list of exceptions (instances where Carlow may disclose education information without student consent) are set forth below in Paragraph D:
- D. Disclosures Without Student Consent. Carlow may disclose information from education records, including personally identifiable information, WITHOUT the prior written consent of the student in the following circumstances (some are mandatory disclosures and Carlow has no choice; some are discretionary):
1. To Carlow University officials who have been determined by the University to have legitimate educational interests in the records. A school official is
    - a. a person employed by Carlow in an administrative, supervisory, academic or research, or support staff position. Any Carlow employee who needs information about a student in the course of performing instructional, supervisory, advisory, or administrative duties for Carlow University has a legitimate educational interest. For example, human resources and accounting staff may have legitimate educational interests for purposes of tuition reimbursement.
    - b. a person employed by or under contract to Carlow to perform specific tasks, such as an auditor, consultant, or attorney, a person on the Board of Trustees, or a student serving on an official committee or assisting another school official. Vendors (for example, technology vendors) who receive education records must

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sign contracts agreeing to use the information only for the purposes designated in their contracts, must agree not to disclose information further and must otherwise agree to the protections and protocols in the Carlow University Non Disclosure Agreement.

2. To certain officials of the United States Department of Education, the Comptroller General of the United States, the Attorney General of the United States, and state and local educational authorities in connection with state or federally supported educational programs.
3. In connection with the student's request for, or receipt of, financial aid necessary to determine the eligibility, amounts or conditions of financial aid, or to enforce the terms and conditions of the aid.
4. To organizations conducting certain studies for or on behalf of Carlow University, provided such organizations agree to protocols regarding the safeguarding of the information.
5. To accrediting commissions or state licensing or regulatory bodies to carry out their functions.
6. To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code. Although Carlow is permitted to disclose under the law, it is Carlow's policy to disclose only with the student's consent.
7. To comply with a judicial order or lawfully issued subpoena.
8. To appropriate parties in health or safety emergencies.
9. To officials of another school in which a student seeks or intends to enroll.
10. To an alleged victim of a crime of violence or sexual offense, the final results of the University disciplinary proceedings against the alleged perpetrator of that crime or offense with respect to that crime or offense.
11. To persons in addition to the victim of a crime of violence or sexual offense, the final results of the Carlow University disciplinary proceedings described in paragraph 10 above but only if the school has determined that a student is the perpetrator of a crime of violence or sexual offense, and with respect to the allegation made against him or her, the student has committed a violation of Carlow University's rules or policies. Carlow University, in such instances, does not disclose the name of any other student, including a victim or witness without the prior written consent of the other student(s).
12. To a parent regarding the student's violation of any federal, state, or local law or of any Carlow University rules governing the use or possession of alcohol or a controlled

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substance if Carlow determines that the student has committed a disciplinary violation with respect to that use or possession, and the student is under 21 at the time of the disclosure to the parent.

13. Directory information. Directory information is personally identifiable information which may be disclosed without the student's consent. Carlow University designates the following information as directory information:
- a. Student's name
  - b. Address: home, local, personal email and Carlow email
  - c. Telephone numbers
  - d. Date and place of birth
  - e. Program of study
  - f. Participation in officially recognized activities and sports
  - g. Dates of attendance
  - h. Degrees and certificates awarded
  - i. Most recent previously attended school
  - j. Photograph of the student, if available
  - k. Enrollment status (*i.e.*, enrolled, continuing, future enrolled student, reentry, leave of absence, etc.)
  - l. Student honors and awards received.
  - m. The height and weight of athletic team members

Opting out of the Directory. A student may request that his or her information NOT be included in the directory. To do so, please complete the Request to Restrict Directory Information (Opt-Out) Form or otherwise submit written notice to the Registrar. Failure to request nondisclosure of directory information may result in routine disclosure of one or more of the above-designated categories of personally identifiable directory information. Carlow University does not provide directory information to marketing companies, including credit card companies, ring vendors or the like.

14. Student Recruiting Information. Carlow University is required to comply with certain requests made by the U.S. Military. Student recruiting information includes ONLY: name, address, Carlow email address, telephone listing, age or date of birth, class level, academic major, place of birth, degrees received and most recent educational institution attended. It does not include and Carlow University will not provide: social security numbers, race, ethnicity, nationality, GPA, grades, low performing student lists, religious affiliation, students with loans in default, veteran's status, and information about students no longer enrolled. Students who opt out of the directory also opt out of student recruiting information.

- D. Records of Requests for Disclosure. The Registrar maintains a record indicating the parties who have requested or obtained personally identifiable information from a student's education records and the legitimate interests those parties had in requesting or obtaining the

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information. This record may be inspected by the student. The Registrar need not include in the record, disclosures made to the student himself/herself, disclosures made with the student's written authorization, disclosures to University officials and employees, and disclosures of directory information.

### III. Procedure to Amend Educational Records

- A. Students have the right to request that a school amend records which they believe to be inaccurate or misleading or in violation of their right to privacy. To do so, the student files a written request to amend the record with the Registrar's Office, Carlow University, 3333 Fifth Avenue, Pittsburgh, PA 15213. The request should identify the part of the record they want to have amended and specify why the student believes it to be inaccurate or misleading.
- B. Carlow will either amend the record or decide not to amend the record and will so alert the student. If Carlow decides not to amend the record, the student then has the right to request a hearing. Carlow will arrange for the hearing and notify the student reasonably in advance of the date, place and time of the hearing. The hearing will be conducted by an individual who does not have a direct interest in the outcome. That individual may be an official of Carlow University. The student shall be afforded a forum for the opportunity to tell his or her side of the story and present documentation and other information relevant to the issues raised in the original request to amend. The student may be assisted by another person, including an attorney.
- C. After the hearing, Carlow University will prepare a written decision based upon the evidence presented at the hearing. If Carlow determines that the record was inaccurate or misleading, it will amend the record and inform the student in writing. If, after the hearing, Carlow still decides not to amend the record, the student has the right to place a statement with the record setting forth his or her view about the contested information.

### IV. More Information About FERPA

- A. Students are afforded the right to file a complaint with the U.S. Department of Education concerning alleged failures by the 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 20202-5901

For additional information please visit  
<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>