

Student Records Access & Confidentiality (FERPA)

The federal Family Educational Rights and Privacy Act (FERPA) establishes guidelines under which students may have access to records maintained by Hilbert College and under which those records may be disclosed by the College to others.

1. Definitions

a. "Students." "Students" are defined as those individuals who have applied for admission to Hilbert College, were admitted, and are or have been enrolled in classes for credit at the College. FERPA does not apply to records of applicants for admission to the College who are denied acceptance or, if accepted, do not enroll in classes for credit. In addition, rights are not given by FERPA to students enrolled in one component of Hilbert College who seek to be admitted in another component (*e.g.*, a student who is enrolled in the undergraduate College, but is denied admission to one of the graduate programs, does not have any FERPA rights in the graduate program which denied him or her admission).

b. "Education Records." "Education records" are those records that are directly related to a student and that are maintained by Hilbert College or by an official who serves the College in an administrative, supervisory, academic, research, or support staff position.

FERPA indicates that "education records" do not include:

i. Records of instructional, supervisory, administrative, and educational personnel that are in the sole possession of the maker, *e.g.*, a faculty member's grade book, or a dean's advising notes. Sharing information with another person or placing information where it can be viewed by others may make it an "education record" and subject to FERPA.

ii. Records relating to individuals who are employed by Hilbert College that are made and maintained in the normal course of business and relate exclusively to individuals in their capacity as employees, and are not available for any other purpose.

iii. Records relating to a student that are (1) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his or her professional capacity or assisting in a paraprofessional capacity; (2) used solely in connection with the provision of treatment to the student; and (3) not disclosed to anyone other than individuals providing such treatment (or to a physician or other appropriate professional of the student's choice).

iv. Records that contain only information relating to a person after that person is no longer a student at Hilbert College (*e.g.*, information gathered on the accomplishments of alumni).

v. Records created and maintained by the Hilbert College Department of Campus Safety for law enforcement purposes.

c. "Directory Information." Hilbert College determines the following to be student "directory information" which may be available to the public if the student has not restricted its release:

Name

Home address (while enrolled at Hilbert College)

College address
Campus telephone number
E-mail address
Dates of attendance and graduation
Class standing, e.g., first-year student, sophomore, junior, or senior
Major field(s) of study
Degrees received
Honors and awards received

2. General Principles

a. Confidentiality. FERPA provides that education records and personally identifiable information about a student may not be disclosed without the student's written consent unless disclosure is permitted by certain exceptions under FERPA.

The student's written, signed consent must:

- Specify the records to be released;
- Identify the party or class of parties to whom the records should be released;
- Indicate the reason for the release.

b. Access. FERPA provides that students are permitted to inspect their own education records. A student has the right to:

- Inspect and review his or her education records;
- Request an amendment to an education record if the student believes there is an inaccuracy;
- Restrict the release of his or her "Directory Information" from public access;
- File a complaint with the U.S. Department of Education if he or she feels the College has failed to follow FERPA guidelines.

c. Administering Office. The Office of the Registrar is responsible for the administration of FERPA guidelines at Hilbert College. Students and others who have questions regarding the treatment of specific information in a specific circumstance should contact Georgina Adamchick, Registrar.

3. Confidentiality

FERPA generally prohibits the release of confidential personally identifiable student data from education records, with limited exceptions that include "Directory Information" (see below), without the student's written, signed consent.

Personally identifiable student data, other than "directory information" for students who have not restricted its release, are confidential. Examples of confidential information include, but are not limited to, social security number, date of birth, ethnicity, gender, country of citizenship, class

schedules (including meeting times and locations), grades, grade point averages, and parents' or guardians' names and addresses.

FERPA provides certain exceptions for the release of personally identifiable education record information without the student's written consent. These exceptions include:

Directory Information. Directory information, as defined in section 1.c. above, may be made available to the public if the student has not restricted its release.

The College will honor requests to withhold directory information but cannot assume responsibility to contact students for subsequent permission to release this information.

Students should consider very carefully the consequences of any decision to withhold directory information. When a student instructs the College not to release directory information, any future requests for such information from persons or organizations outside Hilbert College will be refused, unless an exception applies, or unless the student subsequently files a written request that the information be released. Hilbert College assumes no liability for honoring instructions that such information be withheld.

Requests for non-disclosure must be submitted in writing to the Office of the Registrar. Forms for making such requests may be obtained from the Registrar's Office.

Legitimate Educational Interest. Personally identifiable education record information may be disclosed without the student's written consent to a College official with a legitimate educational interest in the record. A College official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including public safety and health staff); a person or company with whom the College has contracted (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.

Other Exceptions. Education record information may be disclosed without the student's written consent in the following instances:

- a) To the student.
- b) If it is "Directory Information" and the student has not restricted its release.
- c) If properly subpoenaed pursuant to a judicial, legislative, or administrative proceeding, in which case Hilbert College will make a reasonable attempt to notify the student of the subpoena, in cases where FERPA applies, prior to the release of the information, unless the subpoena specifically directs that the student is not to be notified.
- d) In connection with the student's application or receipt of financial aid as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms or conditions of the aid.

e) In connection with audits or evaluation of federal or state supported educational programs requiring disclosure of information.

f) To effect collection of past due financial obligations to the College.

g) To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the Department of Education, the U.S. Citizenship and Immigration Services bureau of the Department of Homeland Security (with respect to international students), or state or local educational authorities.

h) To the Veterans Administration to determine compliance with educational assistance.

i) In connection with a health or safety emergency as determined by the College

j) To parents of financially-dependent students.

4. Access

A student has the right to inspect and review his or her education records within 45 days of submitting a request to the College for such access.

Students wishing to review their records should submit to the Registrar a written notice to that effect. The Registrar will notify the student of a convenient time for the review.

FERPA does not provide the student with the right to access certain records, including:

-- "Sole possession records" as defined in section 1.b.i. above.

-- Parents' financial records used for financial aid purposes.

-- Confidential letters and statements of recommendation placed in the student's education record prior to January 1, 1975, or confidential recommendations to which the student has given prior written waiver of access and which are used for job placement, admission, or award purposes.

-- Admissions-supporting documentation such as letters of recommendation, readers' notes, and interview reports.

-- Records related to student employees of Hilbert College in their capacity as employees.

5. Amendment of Records

A student may request amendment of the student's education records that the student believes are inaccurate, misleading, or in violation of the student's privacy rights.

A request for amendment of a student's education record should be submitted in writing by the student. The request should state what record the student believes is inaccurate or identify the part of a record the student wants changed, and should state why the student believes the record is inaccurate, misleading, or in violation of the student's privacy rights. If the College

decides not to amend a record as requested, the College will notify the student of its decision and advise the student of his or her right to a hearing regarding the issue. Additional information regarding a hearing procedure will be provided to the student when notified of such decisions.

FERPA was not intended to provide a process to be used by students to question substantive judgments that are correctly recorded. The FERPA rights of challenge are not intended to allow a student to contest, for example, a grade in a course because he or she felt a higher grade should have been assigned. FERPA is intended to ensure the factual and accurate nature of the information in the student's education records and the student's right to verify that information.

If Hilbert College decides, as a result of a hearing, not to amend the education record in accordance with the student's request, the student may place a written statement in the record commenting upon the information therein, and/or setting forth any reason for disagreement with the institutional decision not to amend the record. Such a statement will become part of the student's education record and will be disclosed with it.

6. Complaints

A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with 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 20202-5920.