

THE ADMINISTRATIVE POLICY

TAP NO. 28: FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT (FERPA)

A. DEFINITIONS

For the purposes of this policy, Duquesne University uses the following definitions of terms:

Student: any person who attends or has attended Duquesne University.

Educational Records: any record (in handwriting, print, tapes, film, computer, or other medium) maintained by Duquesne University or an agent of the University which is directly related to a student, except:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records created and maintained by the Duquesne University Department of Public Safety for law enforcement purposes.
3. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.
4. Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment.
5. Alumni records which contain information about a student after she or he is no longer in attendance at the University and which do not relate to the person as a student.

B. ANNUAL NOTIFICATION

In accordance with § 99.7 of the FERPA regulations, the University is required to provide students annual notification of their FERPA rights. This is accomplished by publishing in the *Student Handbook* distributed to each student a notice to students of the policy concerning their rights under FERPA. Further notice of the FERPA rights are published semi-annually in the *Schedule of Classes Booklet*, in the University's *Catalog*, as part of the freshmen orientation package, and by way of both email and the University's Web site.

C. PROCEDURE TO INSPECT EDUCATIONAL RECORDS

Students may inspect and review their educational records upon request to the appropriate records custodian.

Students should submit to the records custodian or an appropriate University staff person a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The records custodian or an appropriate University staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given within 45 days or less from the date of receipt of the request.

When a record contains information about more than one student, the student may inspect and review only the records which relate to him.

D. LIMITATION ON RIGHT OF ACCESS

Duquesne University reserves the right to refuse to permit a student to inspect the following records:

1. The financial statement of the student's parents.
2. Letters and statements of recommendation for which the student has waived his or her right of access, or which are maintained in the educational record.
3. Records connected with an application to attend Duquesne University or a component of Duquesne University if that application was denied.
4. Those records which are excluded from the FERPA definition of education records.

E. REFUSAL TO PROVIDE COPIES

Duquesne University reserves the right to deny copies of records, including official transcripts which are not required to be made available by FERPA, in any of the following situations:

1. The student lives within commuting distance of the University.
2. The student has an unpaid financial obligation to the University.

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3. There is an unresolved disciplinary action against the student.
4. The education record requested is an exam or set of standardized test questions.
(An exam or standardized test which is not directly related to a student is not an education record subject to FERPA's access provisions.)
5. There is unresolved litigation between the student and the University.

F. FEES FOR COPIES OF RECORDS

Duquesne University charges the following fees for copies of education records:

1. **Express or overnight shipping.**
2. **Education Records:** Duquesne University provides copies of education records to students when:
 - a. A failure to do so would effectively deny the student the right to inspect and review his/her record.
 - b. The University has disclosed information from the student's education record under authority of the student's prior written consent, and the student requests a copy of the information disclosed.
 - c. The student requests copies of records the University has disclosed to other schools where the student seeks or intends to enroll.

The University will waive or reduce the fees of FERPA required copies of records if the fee effectively denies the student access to his/her record. The fee is for actual copying costs and should not include the cost of search and retrieval. The cost normally will be that charged for Xerox copies.

3. **Copies (not signed and certified)** of education records not covered by FERPA will be available to students, even though the FERPA does not require them, at a cost per page plus the actual cost of search, retrieval, and mailing.

G. TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATIONAL RECORDS

The following is a list of the types, locations, and custodians of records that the University maintains.

<i>Types</i>	<i>Location</i>	<i>Custodian</i>
Admissions Records	Registrar's Office Administration Building	Registrar
Cumulative Academic Records	Registrar's Office Administration Building	Registrar
Cumulative Academic Records - Law School	Registrar's Office - Law School	Registrar
Health Records	Student Health Services Duquesne Union	Director, University Health Services
Financial Records	Controller's Office Administration Building	Controller
Placement Records	Career Services Center Rockwell Hall	Director, Career Services
Progress Records	Advisors' Offices at each College or School	Dean
Disciplinary Records	Student Life Office Administration Building	Executive Vice President for Student Life
Disciplinary Records - Law School	Dean's Office - Law School	Associate Dean of Academic Affairs

H. DISCLOSURE OF EDUCATION RECORDS

Duquesne University will disclose information from a student's education records only with the written consent of the student, *except* that records may be disclosed without consent when the disclosure is:

1. To school officials who have a legitimate educational interest in the records. A school official is:
 - a. A person employed by the University in an administrative, supervisory, academic or research, or support staff position, including health or medical staff.
 - b. A person elected to the University Board of Directors
 - c. A person employed by or under contract to the University to perform a special task, such as an attorney or auditor.

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- d. A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official is:

- a. Performing a task that is specified in his or her position description or contract agreement or other official appointment.
 - b. Performing a task related to a student's education.
 - c. Performing a task related to the discipline of a student.
 - d. Performing a service or benefit to the student or student's family, such as health care, counseling, job placement or financial aid.
 - e. Maintaining the safety and security of the campus.
2. To officials of another school, upon request, in which the student seeks or intends to enroll.
 3. To certain officials of the U.S. Department of Education, the Comptroller General, and State and local educational authorities, in connection with audit or evaluation of certain State or federally supported education programs.
 4. In connection with a student's request for or receipt of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
 5. If required by a state law requiring disclosure that was adopted before November 19, 1974.
 6. To state and local authorities to whom such information is specifically allowed to be reported or disclosed under state law in connection with the juvenile justice system.
 7. To organizations conducting certain studies for educational purposes for or on behalf of the University.
 8. To accrediting organizations, including individuals on visiting committees, to carry out their functions.
 9. To parents who claim the student as a dependent for income tax purposes: If the student is not dependent, educational record information will only be released to a third party with the consent of the student.

10. To comply with a judicial order or a lawfully issued subpoena, provided the University makes a reasonable attempt to notify the student in advance of compliance (except in certain cases involving grand jury subpoenas) or, when the University is involved in a legal action with a parent or student, where disclosure is to the court, without a court order or subpoena, and is relevant for the University to proceed as plaintiff or to defend itself.
11. To appropriate parties in a health or safety emergency.
12. To an alleged victim of any crime of violence or non-forcible sexual offense (as defined by FERPA regulations at 34 CFR 99.39), the final results of any University disciplinary proceeding with respect to the crime or offense, regardless of whether the University concluded a violation was committed.
13. In connection with a disciplinary proceeding for a crime of violence or non-forcible sexual offense (as defined above), the University retains the discretion to disclose the final results of the disciplinary proceeding only if the University determines that the alleged student perpetrator has committed a violation of University rules/policies with respect to the crime or offense. The name of any other student, victim or witness, may not be disclosed without that other student's consent. Disclosure to any individual other than the alleged victim applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.
14. For purposes of both 12 and 13 above, "final results" must include *only* the name of the alleged perpetrator student, the violation committed (rules violated and essential supporting findings), and the sanction imposed (disciplinary action taken, date, and duration). See TAP NO. 31 *University Policy on Gender Discrimination and Sexual Misconduct*.
15. To comply with a court order obtained under the USA PATRIOT Act of 2001 for education records considered relevant to a terrorism investigation or prosecution, without advance notice to the student.
16. The University retains the right and discretion to disclose to a student's parents information regarding student health and safety and any violation of law or of University rule or policy as to alcohol or controlled substances use or possession, if the student is under age 21 at the time of the disclosure and the University determines that such alcohol/drug use or possession constitutes a disciplinary violation.

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I. RECORD OF REQUESTS FOR DISCLOSURE

The University will maintain a record of all requests for and/or disclosures 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 redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the eligible student.

J. DIRECTORY INFORMATION

Duquesne University identifies personally identifiable information contained in a student's education record as listed below as directory information. The University, at its discretion, may disclose such information without a student's further consent:

Directory information includes the following:

1. The student's name
2. The student's address and telephone number (local and home)
3. The student's place of birth
4. The student's major field of study and class level
5. Enrollment as full-time or part-time
6. Dates of attendance
7. The student's participation in officially recognized organizations, activities, and sports.
8. The student's academic awards and honors
9. Degree/s conferred including dates
10. Previous institution(s) attended
11. Weight and height of members of athletic teams
12. Student's Duquesne University email address

Examples of information which is NOT directory information and which is thus not releasable without advanced student permission include race, religion, and parent names.

Students have the opportunity, as stated earlier, to request that such information not be disclosed and must use Self-Service Banner to record their request.

Students should visit <http://www.duq.edu/registrar/ferpa-2010.cfm> for details.

Information provided by the student will remain in effect until such time that it is changed by the student. Once a student separates from the University, only requests for nondisclosure of Directory Information remain in effect.

All records custodians are to follow a strict policy that information contained in a student's education record is confidential and may not be disclosed to third parties

without the student's prior written consent except as otherwise provided. Anytime there is the slightest doubt regarding a request for the release of student information, the request should be referred to University Counsel for proper disposition.

K. EMERGENCY DISCLOSURE

The University further authorizes appropriate officials to make needed disclosures from student education records in a health or safety emergency if the official deems:

1. The disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons.
2. The information is necessary and needed to meet the emergency.
3. The persons to whom the information is to be disclosed to be qualified and in a position to deal with the emergency.
4. Time to be an important and limiting factor in dealing with the emergency.

L. CONSENT TO DISCLOSURE

Officials of the University may not disclose information contained in a student's education record, except directory information or under the circumstances listed earlier, except with the student's prior written consent. The written consent must include at least:

1. A specification of the information the student consents to be disclosed.
2. The purpose for which the disclosure may be made.
3. The person or organization or the class of persons or organizations to whom the disclosure may be made.
4. The date of the consent and, if appropriate, a date when the consent may be terminated.

The student may request a copy of any records the University discloses by the student's prior consent.

The University will not release information contained in students education records, except directory information, to any third parties except its own officials, unless those parties agree that they will not redisclose the information without the student's prior written consent.

M. RECORDS OF REQUEST

In accordance with FERPA, all requests for disclosures of information or for access to a student's records made by persons other than Duquesne University personnel are to be made a part of the student record. The record of

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requests for information is to be available to the record custodian(s), the student, State and Federal or local officials for the purpose of auditing or enforcing the conditions for federally supported educational programs. The record will include at least:

1. The name of the person or agency making the request.
2. The interest the person or agency had in the information.
3. The date the person or agency made the request.
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The University will maintain this record of disclosures for as long as it maintains the student's educational record.

N. CORRECTION OF EDUCATIONAL RECORDS

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. A student must ask the appropriate record custodian of Duquesne University to amend a record. In so doing, the student should identify the part of the record to be amended and specify why the student believes it is inaccurate, misleading or in violation of his or her privacy rights. This request is to be in written form and must carry the student's signature and the date of the request.
2. Duquesne University may comply with the request or it may decide to not comply. If it decides not to comply, Duquesne University will notify the student of the decision and advise the student of his or her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy rights.
3. Upon request, Duquesne University will arrange for a hearing, and notify the student, reasonably in advance, of the date, place, and time of the hearing.
4. The hearing may be conducted by any school official who does not have a direct interest in the outcome of the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.

5. Duquesne University will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If Duquesne University decided that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.
7. If Duquesne University decided that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will notify the student that he or she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth the reasons for disagreeing with the decision.
8. The statement will be maintained apart of the student's education records as long as the contested portion is maintained. If Duquesne University discloses the contested portion of the record, it must also disclose the statement.

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