



## Policy

Title:	FERPA: Student Records Policy
Effective Date:	Reviewed March 31, 2021
Approved By:	President's Council
Responsible Party:	Dean of Students Affairs
History:	10/29/2007; 1/28/2013; 10/7/2015

### I. PURPOSE:

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a Federal law that helps protect the privacy of student education records. The Salus University FERPA policy affirms the student's right to: (1) inspect and review their education records; (2) seek to amend those records; and (3) limit disclosure of information from their education records except in certain circumstances.

### II. DEFINITIONS:

- A. Directory information: Directory information includes, student name, addresses (local and permanent), telephone numbers (local and permanent), e-mail address, date and place of birth, photograph(s) of student (except for student ID photographs, which University policy dictates can be used only for student IDs without the student's consent), a student ID number, user ID or other unique personal identifier that is displayed on a student ID; field of study, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and participation in officially recognized activities.
- B. Disclosure: Permitting access to or the release, transfer, or other communication of personally identifiable information from education records to any party by any means, including oral, written, or electronic. Excluded from "disclosure" is returning an education record or information from an education record, to the party identified as the provider or creator of the record, unless the record has been altered.
- C. Educational Interest: A "legitimate educational interest" is the person's need to know in order to fulfill his or her professional responsibilities for the University, including:
  - 1. Perform appropriate tasks that are specified in his/her position description or by a contract agreement;
  - 2. Perform a task related to the student's education;
  - 3. Perform a task related to the discipline of a student; or
  - 4. Perform a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
- D. Education Records: Those records, files, written and electronic documents, e-mail, and other materials which contain information directly related to a student and which are maintained by an

educational institution, including admissions, personal, academic and financial aid files, and placement records. Education records **DO NOT** include:

1. Records of instructional, administrative, supervisory, and, educational personnel which are in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any individual except a temporary substitute for the maker;
  2. Records created and maintained by the University's security office for security enforcement purpose, unless a copy of these records are included in a disciplinary file maintained by the Office of Student Affairs, at which point the records become education records;
  3. Student medical treatment records (treatment records, however, may be reviewed by the student or a physician or other treatment professional of the student's choice);
  4. Employment records, unless employment is contingent on the individual's status as a student;
  5. Post-attendance (alumni) records that are not directly related to the individual's attendance as a student. However, records that pertain to an individual's previous attendance as a student are "education record" regardless of when they were created or received by the institution.
- E. Personally Identifiable Information: Data or information which include: (1) the name of the student, the student's parents, or other family members; (2) the student's address; (3) a personal identifier such as a social security number or student ID number; or (4) information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the University community, who does not have a personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- F. University Official: Those designated within the University and acting with a legitimate educational interest are permitted access to student education records as "school officials." The University has designated the following groups of people as University officials: 1) a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including security enforcement personnel); 2) a person, company, or organization with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); 3) a person serving on the Board of Trustees; or 4) a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University official in performing his or her tasks.
- G. Student: Anyone who is or has been in attendance at the University and regarding whom the University maintains education records.
- H. Subpoena: A command from a court with jurisdiction to require the person named in the subpoena to appear at a stated time and place to provide testimony or evidence.

### **III. POLICY:**

#### **A. Student Access**

Salus University works diligently to comply with FERPA and will notify students annually of their rights under FERPA. Consistent with FERPA, the University provides opportunities for students to inspect and review information contained in their educational records, to challenge the contents of their education records, to have a hearing if the outcome of challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel that the decision of the hearing panel is unacceptable.

## **B. School Official Access**

Recognizing the educational interests of both the University and its students, those designated within the University and acting with a legitimate educational interest are permitted access to student education records as “University officials”. A person must be designated as a University official and must have a legitimate educational interest in an education record before accessing and obtaining such education record. A University official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.

## **C. Disclosure**

The University shall not provide access to nor disclose any personally identifiable information from a student’s education records without a signed and dated written consent of the student, except, with its discretion to:

1. Certain University officials of the University who have a legitimate educational interest;
2. Parent of a dependent student (i.e., student claimed as dependent on a parent’s federal income tax return);
3. Officials of other institutions in which a student seeks to enroll or has enrolled, but only for purposes related to the student’s enrollment;
4. Persons or organizations providing a student’s financial aid;
5. Accrediting agencies carrying out their accreditation function;
6. Persons in compliance with a judicial order or lawful subpoena
7. Persons in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals; or
8. As otherwise permitted by law.

## **D. Parental Disclosure**

The University MAY allow parents to have access to their child’s student education records, WITHOUT the student’s consent, in the following circumstances:

1. Disclosure is in connection with a health or safety emergency (i.e., if knowledge of the information is necessary to protect the health or safety of the student or other individuals); or
2. Student has violated a Federal, State, or local law, or a rule or policy of the University, governing the use or possession of alcohol or a controlled substance, and the University determines that the student has committed a disciplinary violation regarding that use or possession and the student is under 21 at the time of the disclosure.

## **E. Directory Information**

The University designates certain information that would not generally be considered harmful or an invasion of privacy if disclosed as “directory information.” At its discretion, the University may disclose directory information for certain purposes without the student’s permission in accordance with the provisions of FERPA. However, the University will designate the directory information that will be disclosed and permit students the opportunity to opt-out before making such directory disclosures. While students may opt out of directory information disclosure, this right to opt out does not include the right to refuse to wear, or otherwise disclose, a unique student identification (ID) number that the University may require. Students may elect to withhold directory information during the enrollment process. With regard

to former students, the University will honor any valid request to opt-out of disclosure of directory information made in the last semester the student was in attendance, unless the student rescinds the opt-out request.

#### **F. Subpoenas**

The University will not disclose a student's education records (or personally identifiable information contained therein) in response to a judicial order or subpoena without first making a reasonable effort to notify the student of the order or subpoena. If, however, the subpoena is a Federal grand jury subpoena or other subpoena issued for a law enforcement purpose in which the court has ordered, for good cause shown, that the University not disclose to anyone, including the student, the existence or contents of the subpoena or any information furnished in response to the subpoena no such notification will be provided.

The University's legal counsel determines what is a legally valid subpoena and responds to all valid subpoenas that are received by the University. All colleges and departments of the University must submit any subpoenas they receive to the University's legal counsel, working through the Office of the President.

#### **G. Scope:**

This policy applies to all Salus University faculty, staff, University officials, as well as independent contractors engaged by the University.

#### **H. Policy Distribution /Access:**

Copies of this Policy shall be made available to students upon request through the Office of Student Affairs, as well as online in the University's website policy repository. In addition, students will be notified on an annual basis of their rights under FERPA by placement of a notice in the student web portal, "My Salus".

##### **I. Policy Procedures:**

1. The University registrar has been designated by the University to coordinate the inspection and review procedures for the student education records. A student wishing to review his/her education records must make a signed and dated written request to the Registrar's office listing the specific records the student wishes to inspect and review. Records will be made available within forty-five (45) calendar days of receipt of a written request. When a record contains personally identifiable information about another student, a student may inspect only that information which relates to that student personally. The University reserves the right to refuse to permit a student to inspect and review the following education records:
  - a. The financial statement of the student's parents.
  - b. Confidential statements and letters of recommendation placed in the student's records
    - i. Before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended.
    - ii. After January 1, 1975, if the student has waived his or her right of access in writing and the letters or statements are related to the student's admission to an educational

institution, application for employment, or receipt of an honor or honorary recognition.

- c. Those records which are excluded from the FERPA definition of education records.
2. If for any valid reason a student cannot personally inspect and review his/her education record, the University may arrange for the student to obtain copies of the record. These copies would be made at the student's expense at prevailing rates. The University will provide copies of education records to a student when a failure to do so would effectively deny the student the right to inspect and review the student's record.
3. The University's registrar will maintain a log of certain third party requests for disclosures and actual disclosures of personally identifiable information to certain third parties, as required by law. Students may inspect that log by submitting a written request to the Registrar's office. The University will maintain this log as long as it maintains the student's education records.
4. A student who believes that his/her education records contain information that is inaccurate or misleading or is otherwise in violation of the student's privacy or other rights, may discuss the problem informally with the office that maintains the record at issue. If the office's decision is in agreement with the student's request, the appropriate education records will be amended. If not, the student will be notified that the records will not be amended, and will be informed by that office of the student's right to a formal hearing. A student's request for a formal hearing must be made in writing to the Dean of Students Affairs, which within a reasonable period of time after receiving such request, will inform the student of the date, place and time of the hearing. A student may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of the student's choice, including attorneys, at the student's expense. The hearing panel that will adjudicate such challenges, will include only members who do not have any direct interest in the outcome of the hearing. The Dean of Student Affairs will select a five person panel made up of two student members and, three faculty members, All panel members will have no personal knowledge or relationship with the student complainant.
5. Decisions of the hearing panel will be final, will be based solely on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. If the decision is in favor of the student, the education records will be corrected or amended in accordance with the decision of the hearing panel, and the student shall be notified. If the decision is unsatisfactory to the student, the student may place with the education record a statement setting forth any reason for disagreeing with the decision of the hearing panel. The statements will be placed in the education records, maintained as part of the student's records, and released whenever the records in question are disclosed.
6. A student who believes that the adjudication of a challenge was unfair, or not in keeping with the provisions of FERPA, may request in writing, a review from the University President. Further, a student who believes that his/her rights have been abridged may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education at: