

# Fontbonne University Institutional FERPA Policy and Notice

**The following statements relate to Fontbonne University and the Family Educational Rights and Privacy Act (FERPA) of 1974, also known as the Buckley Amendment. Please contact the Registrar's Office at (314) 889-1421 with any questions.**

## **WHAT IS FERPA?**

FERPA is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under the U.S. Department of Education. Education records are records that contain information directly related to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution. Education records do not include private notes, law enforcement records, medical and counseling records, employment records, or alumni records.

## **ANNUAL NOTIFICATION**

In accordance with FERPA, Fontbonne University will notify students currently in attendance of their FERPA rights annually by publication on the University's web site.

## **DEFINITIONS**

For the purposes of this policy, Fontbonne University has used the following definitions of terms.

*Student* – any person who attends or has attended Fontbonne University.

*Education Records* – any record (in handwriting, print, tapes, film, or other medium) maintained by Fontbonne University or an agent of the University which is directly related to a student, except for:

1. A record kept in the sole possession of the maker of the record that is used only as a personal memory aid and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records of an individual who is employed by Fontbonne University that are kept in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee and not available for any other purpose.
3. Records maintained by a Fontbonne University law enforcement unit if the record is created and maintained solely for law enforcement purposes.
4. Records maintained by the Student Health & Counseling Services or other professional or paraprofessional acting in that capacity if the records are used only for treatment of a student and made available only to those persons providing the treatment.
5. Alumni records or former students' records which only contain information about a student after he or she is no longer in attendance at the University.

## **RIGHT TO INSPECT EDUCATION RECORDS**

Students have the right to inspect and review their education records upon request to the appropriate record custodian. A student should file a Request to Inspect & Review Education Records form (available on the Registrar's Office website), identifying as precisely as possible the record or records he or she wishes to inspect, with the custodian of the records to which access is desired. If the records are not maintained by the University official to whom the request was submitted, that official will advise the student of the correct official to whom the request should

be addressed. The University will comply with a Request to Inspect & Review Education Records request within forty-five (45) days. If access is authorized under FERPA, the records custodian or appropriate University staff person will make the needed arrangements for access and notify the student of the time and place where the records may be inspected.

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

### **LIMITATION ON ACCESS**

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

1. The financial records of the student's parents.
2. Confidential letters and confidential statements of recommendation related to the student's admission to an educational institution, application for employment or receipt of an honor or honorary recognition for which the student has waived his or her right of access, or which were placed in the student's education records before January 1, 1975.
3. Records connected with an application to attend Fontbonne University if that application was denied.
4. Any records which are excluded from the FERPA definition of education records.

### **REFUSAL TO PROVIDE COPIES**

Fontbonne University will provide transcripts or copies of records to any student who, due to reasonable personal circumstances, is unable to inspect and review his/her education records at the location where the records are maintained; Fontbonne University reserves the right to deny transcripts or copies of records to all other students. Fontbonne University also reserves the right to deny transcripts or copies of records not required to be made available under FERPA in any of the following situations:

1. The student has an unpaid financial obligation to the University.
2. There is an unresolved disciplinary action against the student.

### **FEES FOR COPIES OF RECORDS**

If a student requests copies of all or a portion of the student's education records and the University determines that such copies are necessary in order for the student to exercise his or her right to inspect and review the records, the fee for such copies will be \$0.20 per page.

### **DISCLOSURE OF EDUCATION RECORDS**

Fontbonne University will disclose information from a student's education records only if the student signs a Student Consent for Disclosure of Education Records form (available in the Registrar's Office), **except** in accordance with FERPA as set forth below:

1. To school officials who have a legitimate education interest in the records.  
A school official is:
  - A person employed by the University in an administrative, supervisory, academic or research or support staff position.
  - A person elected to the Board of Trustees.

- A person employed by or under contract to the University to perform a specific task, such as an attorney or auditor.
- A student serving on an official committee or assisting another school official in performing that school official's tasks.

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

- Performing a task that is specified in his or her position description or contract.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.

Although school officials are authorized to access this information on a "need-to-know" basis, they are not permitted to release information to persons outside the University unless authorized in writing by the student, by a court order, or according to the exceptions listed in this section. Only the school official or designated person responsible for the records has the authority to release them.

2. To officials of other schools or school systems in which the student seeks to enroll; in this instance, no notice of release of records need to be sent to the student.
3. To authorized representatives of the U.S. 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 an audit or evaluation of certain state or federal supported education programs.
4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. To state or local officials or authorities if allowed by a state law that was adopted before November 19, 1974.
6. To organizations conducting certain studies for or on behalf of the University.
7. To accrediting organizations to carry out their functions.
8. To a parent when either: (i) regardless of a student's age, the student is claimed by a parent as a dependent on the parent's most recent federal income tax filing; or (ii) the student is under the age of 21 at the time of the disclosure and the parent is seeking information regarding a student's violation of law or school policy on use or possession of alcohol or a controlled substance. *(Note: If a student is claimed as a dependent by either parent, then either parent may have access under this exception, unless the student provides the University with evidence that there is a court order, state statute or other legally-binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.)*
9. To comply with a judicial order or a lawfully issued subpoena. Fontbonne's response to a subpoena will vary depending on the type of subpoena. If: (i) a subpoena is received from a Federal grand jury that has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (ii) if Fontbonne receives any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, Fontbonne will comply with the subpoena without notice to the student or a signed Student Consent for Disclosure

of Education Records form. If Fontbonne receives any other type of subpoena, before Fontbonne complies with the subpoena, it will make a reasonable effort to notify the parent or student in advance of compliance with the subpoena, so that the parent or student may seek protective action if they so choose.

10. To appropriate parties in a health or safety emergency.
11. To an alleged victim of any crime of violence. The disclosure may include only the final results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.
12. In connection with an institutional disciplinary proceeding.

## **RECORD OF REQUESTS FOR DISCLOSURE**

Fontbonne University will maintain a record of all requests for and/or disclosures of personally identifiable non-directory information from a student's education records. The record of requests 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 University will create and maintain at each location where education records are kept a record of requests for that location.

## **DIRECTORY INFORMATION**

Fontbonne University has designated certain information contained in the education records of its students as Directory Information.

This includes: (1) full name, (2) local and home addresses, (3) local and home telephone numbers, (4) e-mail address, (5) major field of study (6) most recent educational institution attended, (7) enrollment status, (8) class level, (9) dates of attendance, (10) degrees, awards, and honors received, (11) participation in officially recognized activities and sports, (12) weight and height of athletic team members, and (13) photographs.

Fontbonne University may disclose Directory Information for any purpose, without the prior consent of a student, unless the student has forbidden its disclosure in writing. Students wishing to prevent disclosure of the designated Directory Information should file a Request to Withhold Release of Directory Information (available on the Registrar's Office website) with the Registrar's Office within two (2) weeks of the start of the semester. The Request to Withhold Release of Directory Information will stay in effect until the Fall term of the next academic year. The University will assume that a student does not object to the release of Directory Information unless the student files such written notification.

## **AMENDMENT OF EDUCATION RECORDS**

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

1. A student must ask the appropriate official of the University to amend a record. In so doing, the student should identify in writing the part of the record he/she wants changed and specify why he/she believe it is inaccurate, misleading or in violation of his/her privacy or other rights.

2. The University will either grant or refuse the request within forty-five (45) days. If the University decides not to comply, it will notify the student of the decision and advise him/her of his/her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, the 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 will be conducted by a hearing officer who does not have a direct interest in the outcome of the hearing; however, the hearing officer may be an official of the institution. 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 two individuals, including an attorney.
5. The 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 the University decides 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/she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the University discloses the contested portion of the record, it must also disclose the statement.
8. If the University decides that the information is inaccurate, misleading, or in violation of the student's right to privacy, it will amend the record and notify the student, in writing, that the record has been amended.

### **CUSTODIANS OF EDUCATION RECORDS**

The following is a list of the types of education records that Fontbonne University may maintain, their locations, and their custodians.

<b><u>Types</u></b>	<b><u>Location</u></b>	<b><u>Custodian</u></b>
<b>Admission Records of Matriculated Students</b>	Registrar's Office Ryan Hall	Registrar
<b>Academic Records</b>	Academic Affairs Office Ryan Hall	Vice President for Academic Affairs
	Department Chair's Office	Department Chair
	Faculty Offices	Faculty Member
	Registrar's Office Ryan Hall	Registrar

<b>Financial Records</b>	Accounting Office Ryan Hall	Controller
<b>Financial Aid Records</b>	Financial Aid Office Ryan Hall	Director of Financial Aid
<b>Disciplinary Records</b> (non-academic)	Student Affairs Office Medaille Hall	Vice President for Student Affairs
<b>Occasional Records</b> (Education records not included in the types above such as minutes of faculty committee meetings, copies of correspondence in offices not listed, etc.)	The appropriate office will collect such records, direct the student to their location or otherwise make them available for inspection and review	The University staff persons who maintain such occasional systems records

#### **RIGHT TO FILE A COMPLAINT**

Students have 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 20202-4605  
Email: [ferpa@ed.gov](mailto:ferpa@ed.gov)  
Web: [www.ed.gov/policy/gen/guid/fpc](http://www.ed.gov/policy/gen/guid/fpc)