



Family Educational Rights & Privacy Act

NORTHWOOD UNIVERSITY

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Family Educational Rights and Privacy Act (FERPA)

Northwood University's policy and procedures for the Family Educational Rights and Privacy Act of 1974

As Amended

The purpose of the Family Educational Rights and Privacy Act (FERPA) is to protect the confidentiality of student educational records. Educational records are those records directly related to students and maintained by an institution or a party acting for the institution. Personally identifiable student information is protected by FERPA. Violations of FERPA place the University at risk. The penalty for noncompliance can be withdrawal of Department of Education funds from the institution. In addition, disclosure of student information could subject both the University and the individual disclosing the information to criminal and civil penalties.

One of the main emphases of FERPA is that personally identifiable information may not be released without prior written consent from the student. However, the University is permitted to disclose student information without written consent to "school officials" whom the institution has determined have a legitimate educational interest". Although a person has been designated as a "school official", he/she does not have inherent rights to any and all education record information. Additionally, the school official must demonstrate a legitimate educational interest as opposed to a personal or private interest and such a determination must be made on a case-by-case basis. Disclosure to a school official having legitimate educational interest does not constitute authorization to share that information with a third party without the student's written permission.

In accordance with the Family Educational Rights and Privacy Act (FERPA), Northwood University has adopted the following policies and procedures to protect the confidentiality of student educational records. It is the objective of the University to insure that legal rights of students, established under FERPA, be clearly understood and protected by all those affected.

1. All individuals who are attending or have attended Northwood University have certain rights with respect to their educational records.
These rights include:
 - o Right to review and inspect their educational records;
 - o Right to request the amendment of their educational records to ensure that they are not inaccurate, misleading, or otherwise in violation of their privacy or other rights;
 - o Right to have some control over disclosures of personally identifiable information contained in their educational records, except to the extent that FERPA authorized disclosure without consent;
 - o Right to file with the U.S. Department of Education a complaint concerning alleged failures by the University to comply with the requirements of FERPA;
 - o Right to obtain a copy of the University's Policy and Procedures for FERPA
2. An educational record is defined as any record (in handwriting, print, tapes, film, or other medium) maintained by Northwood University or an agent of the University which is directly related to a student, except:

Records kept by instructional, supervisory, administrative and certain educational personnel which are in the sole possession of the maker of the records and are not accessible or revealed to any other individual except a substitute who performs on a temporary basis the duties of the individual who made the record;
 - o Employment records 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;
 - o Records maintained by the Northwood University Student Services Department solely for law enforcement purposes;
 - o Records maintained by the Health Center, if the records are used only for treatment of a student and made available only to those persons providing the treatment;
 - o Alumni records which contain information about a student after he or she is no longer in attendance at Northwood University and which do not relate to the person as a student.
3. Requests by students for access to or copies of their educational records must be made to the to institutional office responsible for maintaining the record.
4. Students should submit to the appropriate office the Student Request to Inspect and Review Educational Records form, which identifies as precisely as possible the record or records he or she wishes to inspect. This form is available upon request through the Registrar's Office.

5. Educational records are maintained in many University offices. Students desiring access to their educational records have the responsibility of locating the particular office that has the educational record they wish to inspect.
 - Most students have records in one or more of the following offices:
 - Admissions
 - Financial Aid
 - Athletics
 - Registrar Career Assistance Graduate School
 - Student Services Veterans Benefits University College
 - Business Office Scholarships
6. Limitations exist on a student's rights to inspect and review their educational records. Northwood University reserves the right to refuse to permit a student to inspect the following records:
 - Financial statements of the student's parents;
 - Records connected with an application to attend Northwood University if that application was denied;
 - Confidential letters and recommendation placed in a student's files prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected;
 - Confidential letters and recommendation associated with admissions, employment or job placement, or honors to which students have waived their rights of inspection and review;
 - Educational records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student;
 - Records which are excluded from the FERPA definition of educational records.
7. Requests by students for access to or copies of their educational records must be complied with in a reasonable period of time, not to exceed 45 days from the date the request is made.
8. If an institutional office provides a student with a copy of an educational record, a reasonable fee may be assessed.
9. Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Procedures for the Corrections of Educational Records are available upon request through the Registrar's Office. \
10. Institutions may not disclose information contained in educational records to third parties without the student's written consent except under certain conditions.

Such written consent must:

- Specify the records to be released;
 - State the purpose of disclosure;
 - Identify the party or class of parties to whom disclosure may be made;
 - Be signed and dated by the student.
11. Access to educational records will be permitted by third parties only under the following conditions:
 - The student has given written consent to release the record;
 - The individual or agency requesting information is included under Section 99.31 of the Federal Regulations, which permits release of an education record without the student's consent. Section 99.31 permits release to the following organizations or individuals, without the students consent:
 - To Northwood University school officials who have a legitimate educational interest (See paragraph 15);
 - To official of other school systems in which the student seeks or intends to enroll;
 - To certain official of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state of federally supported education programs;
 - In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions or the financial aid, or to enforce the terms and conditions of the aid;
 - To third parties requesting designated "directory information" (See paragraph 13);
 - To accrediting organizations;
 - To parents of an eligible student who claim the student as a dependent for income tax purposes. The University may require copies of the most current income tax returns to verify dependent status;
 - To comply with judicial order or subpoena; provided that a reasonable effort to notify the student is made in advance of compliance;
 - To an alleged victim of any crime of violence of the results of any institutional disciplinary proceedings against the alleged perpetrator of that crime with respect to that crime;
 - To organizations conducting studies for the University;
 - To appropriate parties in a health or safety emergency.

12. Northwood University is required to maintain records of requests for access to, and disclosure of, personally identifiable information and permit students to review those records. The Request to Review Educational Records form is considered a part of the student's educational records and, therefore, must be retained as long as the educational records to which it refers is retained by the institution. The records of request, whether granted or not, will include the name and affiliation of the person(s) who requested the information and their legitimate interest in the information. Records of requests and disclosures do not have to be maintained for:
 - o Requests made by students for their own use;
 - o Disclosures made with the written consent of students;
 - o Disclosures made to school officials under the conditions that allowed such disclosures;
 - o Disclosures made to a party seeking directory information.
13. Directory information will be defined as a student's name, address, telephone listing, e-mail address, date and place of birth, major field of study, year in school, class schedules, class rosters, enrollment status, participation in officially recognized activities and athletics, weight and height of members of athletic teams, photographs, dates of attendance, diplomas received, awards received, and the name of the last previous school attended by the student, and other similar information which would not generally be considered harmful to a student, or an invasion of privacy if disclosed.
14. Students may prevent the release of directory information by completing the appropriate Request to Prevent Disclosure of Directory Information form that is available in the Registrar's Office. This form must be completed within two weeks from the beginning of a term. If the form is not received by such date, the directory information may be disclosed for the remainder of the current term. This notification will remain in effect until the student informs the Registrar's Office in writing to remove the block to designation and disclosure.
15. A school official will be
 - o A person employed by the institution in an administrative, supervisory, academic, research, or support staff position carrying out an institutional responsibility;
 - o A person serving on an institutional governing body;
 - o A person employed by or under contract to the institution to perform a special task, such as an attorney, auditor or officials of the National Student Clearinghouse.

A legitimate educational interest will be defined as a need of a University official to know the contents of an educational record in a context that is related to a University objective and is not in conflict with State or Federal law of University policy. The custodian of the educational record requested must decide the legitimacy of each request for information. If there is any doubt or question regarding the request, the custodian should withhold disclosure without either written consent of the student, concurrence of appropriate institutional officials, or approval of the immediate supervisor. Employees in offices containing educational records must be instructed to determine legitimate educational interest before an educational record is released in all cases.

16. All Northwood employees with access to the Colleague Student Database will be required to sign an Acceptable Use Policy, which explains FERPA and the employee's responsibilities with regard to Colleague access. In addition, any student worker that may have access to records, which contain individually identifiable information, will be required to sign the Student Worker Statement of Understanding FERPA.
17. A notification entitled "Northwood Notification of Rights Under FERPA and the Directory Information Public Notice" will be made available to all students annually. In addition, students' rights are outlined in the undergraduate and graduate catalogs.
18. Responsibility for administering the Act has been assigned to the Family Policy Compliance Office within the Department of Education. This office reviews and investigates complaints and attempts to bring about compliance through voluntary means. The penalty for noncompliance with Federal regulations can be withdrawal of Department of Education funds from institutions, but action to terminate funding generally will be taken only if compliance cannot be secured by voluntary means. Written complaints should be directed to:

Rights Defined

The Family Educational Rights and Privacy Act ("FERPA") affords students certain rights with respect to their education records.

These rights are outlined below:

1. The right to inspect and review the student's education records within 45 days of the day that Northwood University receives a request for access. Students should submit to the Registrar's Office a written request that identifies the record(s) they wish to inspect. The Registrar's Office will make arrangements for access and notify the student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask Northwood University to amend a record that they believe is inaccurate or misleading. They should write the Registrar's Office, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If Northwood University decides not to amend the record as requested by the student, Northwood University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by Northwood University in an administrative, supervisory, academic, or support staff position (including health or medical staff and law enforcement unit personnel); a person or company with whom Northwood University has contracted to perform a special task (such as an attorney, auditor, medical consultant, or collection agent); a person serving on the Board of Trustees; or a person 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.
4. The right to refuse to permit Northwood University to designate certain personally identifiable information about the student as directory information which is not subject to the above restrictions on disclosure. Northwood University may within its discretion release some or all directory information as it determines is appropriate. Northwood University has designated the following information about a student as directory information: name, address, telephone listing, e-mail address, date and place of birth, major field of study, year in school, class schedules, class rosters, enrollment status, participation in officially recognized activities and athletics, weight and height of members of athletic teams, photographs, dates of attendance, diplomas received, awards received, and the name of the last previous school attended by the student, and other similar information which would not generally be considered harmful to a student, or an invasion of privacy if disclosed. If a student does not wish to have the student's information designated as directory information and disclosed, the student must request and complete a Request to Prevent Disclosure of Directory Information from the Registrar's Office and submit the completed form to the Registrar's Office within two weeks from the beginning of each term. Please note that a request to block the designation of information as directory information may apply to all categories listed above and to all requests for directory information from within and outside the Northwood University community. This notification will remain in effect until the student informs the Registrar's Office in writing to remove the block to designation and disclosure.
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Northwood University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605**

Northwood University is committed to a policy of nondiscrimination and equal opportunity for all persons regardless of race, gender, color, religion, creed, national origin or ancestry, age, marital status, disability or veteran status. The University also is committed to compliance with all applicable laws regarding nondiscrimination.