



BASTYR UNIVERSITY

**COMPLIANCE WITH
FAMILY EDUCATIONAL RIGHTS AND
PRIVACY ACT (FERPA)**

May 2017

Bastyr University conforms to the Family Educational Rights and Privacy Act of 1974 (FERPA), commonly known as the Buckley Amendment, which requires that Bastyr adopt guidelines concerning the right of a student to inspect her/his educational records and guidelines concerning the release of personally identifiable information to third parties. The act further provides that such a student has the right to a hearing in order to provide for the correction or deletion of inaccurate, misleading or otherwise inappropriate data. The act also provides that students be informed annually of the types of educational records maintained by the University that are directly related to students. Consistent with that act, this policy on compliance with the Family Educational Rights and Privacy Act (FERPA) is established to ensure that information contained in such records is treated in a responsible manner with due regard to the personal nature of the information. Prospective and incoming students are not covered under FERPA.

For the purpose of this policy, Bastyr University has used the following definitions of terms.

- **Student:** Any person who attends or has attended Bastyr University. Applicants for admission are not considered students.
- **Education Records:** Any record (in handwriting, print, tapes, film, electronic or other medium) maintained by Bastyr University or an agent of the University that is directly related to a student, except:
 - 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 creator of the record
 - An employment record of an individual whose employment is not contingent upon the fact that he or she is a student, provided the record is used only in relation to the individual's employment
 - Alumni records that contain information about a student after he or she is no longer in attendance at the University and which do not relate to the person as a student
 - Financial records of parents
 - Letters of reference that students have expressly waived their right to inspect
 - Records connected with an application to attend Bastyr University or a component entity of Bastyr University if that application was denied
- **Directory Information:** Name, address, telephone number, e-mail address, dates of attendance, major field of study, year of study, educational institutions attended, participation in officially recognized activities, awards, honors, degree(s) conferred, and photograph. The University may disclose directory information without prior written consent unless notified in writing to the contrary. The University is not responsible for directory information released prior to a directory hold being placed.
- **School Official:**
 - A person employed by the University in an administrative, supervisory, academic, research, or support staff position
 - A person elected to the board of trustees
 - Any contractors, consultants, volunteers or other party to whom the University has outsourced institutional services or functions, such as an attorney or auditor
- **Legitimate Educational Interest:**
 - Performance of a task that is specified in his or her position description or by a contract agreement
 - Performance of a task related to a student's education
 - Performance of a task related to the discipline of a student

FERPA Compliance Provisions

Annual Notification: A college or university is required by Section 99.7 of the FERPA regulations to provide students annual notification of their FERPA rights. Students will be notified of their FERPA rights annually electronically.

Disclosure of Directory Information: The University may release, without written consent, certain information identified as public or directory information, provided the following conditions are met prior to disclosure: (1) that students be informed of categories designated as directory information; and (2) that students be given an opportunity to refuse disclosure of directory information (a directory hold) by filing a form with the registrar. Directory information is made available to school officials, even for those students who have placed a directory hold on their record.

Release of public or directory information by telephone is permissible; however, information released in this manner is restricted to categories specified above.

The University may disclose information about students without their written consent to persons in an emergency, if the knowledge of that information is necessary to protect the health or safety of the student or other persons. Bastyr University will disclose identifying and confidential information from a student's education records only with written consent of the student, except:

- Where school officials have a legitimate educational interest in the records
- Where certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities have requested information in connection with certain state or 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 of the financial aid, or to enforce the terms and conditions of the aid
- Where organizations have conducted certain studies for or on behalf of the University
- To accrediting organizations to carry out their functions
- To parents of an eligible student who claim the student as a dependent for income tax purposes or if prior written consent has been given by the student. Thus, it is the parents' responsibility to present evidence of dependency before a student record may be released. If such evidence is presented, the student is notified before release.
- Where it is in compliance with a judicial order or a lawfully issued subpoena
- To appropriate parties to protect the health or safety of the student or other persons
- To an alleged victim of any crime of violence regarding the results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime

Record of Requests for Disclosure

Bastyr University will maintain a record of requests for and/or disclosure of information from a student's education records (with the exception of directory information.) The record will indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the student or the parents of an eligible student who claim the student as a dependent for income tax purposes. However, the University will not keep a record of request for disclosure made by University officials who are requesting access to education records for legitimate educational purposes.

Rights of Access

The essence of these guidelines and the Family Educational Rights and Privacy Act of 1974 is that each student has the right to inspect her/his educational records, with the exceptions of those items listed in the education records definition above.

Student records are accessible to staff of the University whose primary job responsibilities require access to some or all of the information included in a particular file. Each student's file must contain a list of individuals who

have requested or gained access to the file, excluding the student, school officials, and those with written consent from the student.

On written request and presentation of appropriate identification, a student has the right to inspect and review her/his educational records in the presence of an appropriate University official. The registrar will make the needed arrangements and will notify the student of the time and place where the records may be inspected. Normally, access will be granted upon request; however, the University reserves the right to delay access, from the date of the request, for a period not exceeding 45 days. When a record contains information about more than one student, the student may inspect and review only the records that relate to him/her. While a student has the right of access as herein specified, the University reserves the right to refuse to issue an official copy of the transcript or release a diploma if the student has financial obligations to the University.

Limitations to Access of Records

Student records are the property of Bastyr University. Therefore, the University reserves the right to refuse duplication of all or part of a student's record for use by that student (with the exception of a Bastyr transcript). However, if copies of all or part of a student's record are made, duplication and labor costs may be charged. Copies made as a result of a lawfully issued subpoena will also be subject to charges for duplication and labor costs. Bastyr University reserves the right to refuse to issue an official transcript, diploma, or copies of other education records requested if the student has an unpaid financial obligation to the University, is in arrears in student loan payments or if there is an unresolved disciplinary dispute against the student. However, at no time will students be denied access to review their record in person. If an on-site visit would create an undue burden for students (for example, in the case of out-of-state students), an unofficial copy of their transcript will be mailed to them.

Waiver of Access

Students may waive their right to inspect any file or a portion of a particular file. Individuals providing references may require that students waive their rights to review a particular letter of reference they have been asked to write. Faculty or staff members involved in advising may recommend that students waive their rights to review letters of recommendation in the belief that a waiver effectively increases the credibility and usefulness of the reference when reviewed by an admissions committee or prospective employer. The University may not, however, require that any student waive his or her right of access to a file or any part of a file (except those items noted in the education records definition).

Right to Challenge and 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. The following are the procedures for the correction of records:

- Students must ask the registrar at Bastyr University, in writing, to amend a record. In so doing, students should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of their privacy or other rights. (Please see the policies on time limits for appealing registrations and on academic grievances and appeals of grades.)
- Bastyr University may comply with the request or decide not to comply. If Bastyr decides not to comply, Bastyr University will notify students of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of their rights.
- Upon request, Bastyr University will arrange for a hearing. Bastyr will notify the student, with a reasonable amount of lead time, of the date, place and time of the hearing.
- The hearing will be conducted by a hearing officer who is a disinterested party. However, the hearing officer may be an official of the institution. Students 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. Students may be assisted by one or more individuals, including an attorney.

- Bastyr 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.
- If Bastyr University decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will notify students that they have 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.
- The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If Bastyr University discloses the contested portion of the record, it must also disclose the statement.
- If Bastyr University decides 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.

Retention of Records

The registrar's office maintains and retains records according to the recommendations set forth by the American Association of Collegiate Registrar's and Admissions Officers (AACRAO). In keeping with those recommendations, student records are purged upon graduation or withdrawal from Bastyr University and again, after an absence of five or more years. Please see Aracelly Salazar, University Registrar, for more details.

Complaints

Students have the right to file complaints on non-compliance with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.5920.

Responsibility for monitoring and implementation of the Family Educational Rights and Privacy Act lies with the registrar. Questions, concerns and suggestions should be directed to Aracelly Salazar, University Registrar, Bastyr University, 14500 Juanita Drive NE, Kenmore, WA 98028.

Types, Locations and Custodians of Educational Records

The following is a list of the types of records that the University maintains on current and former students, their locations, and their custodians.

- Admissions records are located in the Office of the Registrar. However, there are some admissions documents that are not transferred to a student's permanent record.
- Cumulative academic records are located in the Office of the Registrar.
- Financial records are kept in the Office of Finance and the Office of Financial Aid. The vice president of finance and administration and the director of financial aid are the respective custodians.
- Disciplinary records are kept in the office of the Office of Student Affairs.
- ADA (Americans with Disabilities Act) records are kept in the Office of Student Affairs, and the tutoring and disabilities office coordinator is the custodian of the records.
- All other records not included above, such as minutes of faculty meetings, copies of correspondence in offices not already listed, etc., are collected by the appropriate official who can direct a student to their location. The custodians of these records are the various staff members who maintain the documents.