

SALEM STATE UNIVERSITY

NOTIFICATION OF STUDENT RIGHTS UNDER FERPA

The Family Educational Rights and Privacy Act (“FERPA”) of 1974, as amended, ensures the confidentiality of student educational records and restricts disclosure of such records to third parties, except as authorized by law. FERPA also affords students certain rights with respect to their education records. These rights include:

1. THE RIGHT TO INSPECT AND REVIEW THE STUDENT’S EDUCATION RECORDS WITHIN 45 DAYS OF THE DAY THE UNIVERSITY RECEIVES A REQUEST FOR ACCESS.

A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. THE RIGHT TO REQUEST THE AMENDMENT OF THE STUDENT’S EDUCATION RECORDS THAT THE STUDENT BELIEVES ARE INACCURATE, MISLEADING, OR OTHERWISE IN VIOLATION OF THE STUDENT’S PRIVACY RIGHTS UNDER FERPA.

A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student’s 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 PROVIDE WRITTEN CONSENT BEFORE THE UNIVERSITY DISCLOSES PERSONALLY IDENTIFIABLE INFORMATION FROM THE STUDENT’S EDUCATION RECORDS, EXCEPT TO THE EXTENT THAT FERPA AUTHORIZES DISCLOSURE WITHOUT CONSENT.

The University will disclose information from a student’s education records only with the written consent of the student, except:

- A. When the disclosure is to school officials with legitimate educational interests.

A school official is a person employed by the University in an administrative, supervisory, academic, research, law enforcement or support staff position; a person or company with whom the University has contracted to perform required functions (such as an attorney, auditor, service provider, or collection agent); a person serving on the Board of Trustees; or a student 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.

B. When the disclosure is of “Directory Information”.

The University has designated the following items as Directory Information: a student’s name, electronic mail address, local and permanent mailing addresses, telephone numbers, date and place of birth, major and minor fields of study, dates of attendance, enrollment status (full or part time), certificates, degrees, honors and awards received (including scholarships), date of actual or expected graduation, whether or not currently enrolled, most recent educational institution attended, participation in officially recognized activities and sports sponsored by the University, weight and height of athletic team members, and photograph.

The University may disclose any of these items without prior written consent, unless the student has submitted a written request to the Office of the Registrar not to release directory information pertaining to him or her. Requests will be processed within 24 hours after receipt.

The University may disclose information from a student’s education records without the prior written consent of the student under the following circumstances:

- A. To officials of other institutions where a current or former student seeks or intends to enroll or is already enrolled if the disclosure is related to the student’s enrollment or transfer, including any and all health or disciplinary records;
- B. To authorized representatives of the U.S. Department of Education, U.S. Department of Defense (under the Solomon Amendment), U.S. Attorney General, INS, the Comptroller General of the United States, state education authorities, organizations conducting studies for or on behalf of the University, and accrediting organizations;
- C. In connection with a student’s application for, and receipt of, financial aid;
- D. To comply with a judicial order or lawfully issued subpoena;
- E. To parents of dependent students as defined by the Internal Revenue Code, Section 152;
- F. To appropriate parties in a health or safety emergency;
- G. To the alleged victim of any crime of violence or forcible sexual assault the results of any disciplinary proceedings conducted by the University; or
- H. To a parent or guardian the results of a disciplinary proceeding as the student is under the age of 21 at the time of the incident and the proceeding has resulted in a violation of University drug or alcohol policies, or any federal, state, or local law.
- I. The University may return an education record, or information from an education record, to the party or institution identified as the provider or creator of the record, for the purposes of verifying and/or authenticating the information contained therein;
- J. The University may disclose information received under a state community notification program about a student who is required to register as a sex offender in the state.

4. 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 20202-5901

DEFINITIONS

For the purposes of this policy, the following definitions will apply.

1. Education Records. Education records include those records that are: (a) directly related to a student; and (b) maintained by the University or by a party acting for the University. This includes any information or data recorded in any medium including but not limited to; handwriting, print, tapes, film, email, microfilm, and microfiche, which is directly related to a student. The following categories of records are excluded from the definition of "Education Records:" institutional law enforcement records; employment records when the employment is not connected to student status, medical and mental health records used only for the treatment of the student; sole possession records, i.e. personal records about a student that are not shared with others, do not contain information provided directly by the student and are not used to make decisions about the student; grades on peer graded papers before they are collected and recorded by a faculty member.
2. Personally Identifiable Information (PII). PII includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; personal identifiers such as the social security number, ID number or biometric record; other indirect identifiers such as the student's date of birth, place of birth and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the University reasonably believes knows the identity of the student to whom the education record relates.