

# McPherson College

## Annual Notification of Rights under FERPA for Postsecondary Institutions

### I. Introduction

The Family Educational Rights and Privacy Act of 1974 (FERPA) affords eligible students certain rights with respect to their education records. The Registrar's Office ensures compliance with FERPA at McPherson College and this office should be contacted with any questions or concerns about this policy. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.)

### II. Definition of Education Records

The definition of "education records" is any record maintained by the college that is directly related to a student and includes, but is not limited to, grades, transcripts, and disciplinary files. However, there are some exclusions from the definition of education records:

- Records kept in the sole possession of the maker, that are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- Records relating to an individual who is employed by the college (except if the individual is a student employed as a result of his or her status as a student) that are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee and are not available for any other purpose;
- Records on a student 18 years of age or older made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity so long as the records are made, maintained or used only in connection with treatment of the student and are disclosed only to individuals providing treatment
- Records created or received by the college after the student is no longer in attendance and are not directly related to the individual's attendance as a student

### III. Student Rights Under FERPA

Students at McPherson College have the following rights under FERPA:

- The right to inspect and review the student's education records within 45 days after the day McPherson College receives a request for access. A student should submit to the registrar a written request that identifies the record(s) the student wishes to inspect. If the registrar does not maintain the records, he or she shall advise the student of the correct official to whom the request should be addressed. The school 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 school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. The college reserves the right to have a school official present during a student's review of his or her education records.
  - This right of inspection and access does not extend to the financial records of a student's parents. Also, certain restrictions apply to a student's access to confidential letters and confidential statements of recommendation placed in a student's education records.
- The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

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

If McPherson College decides not to amend the record as requested, a McPherson College school official 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. If the determination is to not amend the record, the student will be allowed to include an explanatory comment along with the record.

- Requesting an amendment to an education record is not the proper avenue for challenging course grades. A student may challenge a final course grade by using McPherson College's Grade Appeal Procedure Policy as documented in the academic catalog.
- The right to provide written consent before McPherson College discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. (See list of EXCEPTIONS in Addendum 1(a) on page 3)
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by McPherson College 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

#### IV. Directory Information

Directory information is data about a student which can be released without prior consent because it would not generally be considered to be harmful or an invasion of privacy if disclosed.

- McPherson College defines directory information as the name, address, hometown, telephone number (home and cell), e-mail address, and full/part-time status of each student. In addition, identification card photographs, classification, the most recent previous educational agency or institution attended by the student, participation in official recognized sports and activities, and physical factors of athletes (height and weight) are considered directory information.
- An eligible student may refuse to permit personally identifiable information to be published or disclosed. To withhold disclosure, students must submit a letter of request to the Registrar's Office. Once filed, this request becomes a permanent part of the student's record until the student instructs the Registrar's Office at McPherson College differently by updating their FERPA Student Authorization Release Form.
- Unless McPherson College has been notified by the student that directory information about himself/herself is not to be released McPherson College may release such information at its discretion and without further permission.
- McPherson College reserves the right to not disclose directory information in some situations or may choose to limit the scope of the release to specific parties, for specific purposes, or both, even if a student has not opted-out of such disclosures. Students who do not wish to permit the distribution of such information should notify the Registrar. Students may request that all or part of their directory information not be released.
- The college will honor all requests to withhold any of the categories of directory information listed in the student's letter of request, but will not assume any responsibility to contact the student for subsequent permission to release that information. Regardless of the effect on the student, the college assumes no liability for honoring a request of the student to restrict the disclosure of directory information.
- Notwithstanding the above, a student may not opt-out of the disclosure of the student's name, identifier or college email address in a class in which the student is enrolled.
- Please note that placing a "no release" on your record will preclude release of such information to friends, parents, relatives, prospective employers, the news media and honor societies.

## Addendum 1(a)

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student including but not limited to —

- To other school officials, including teachers, within McPherson College, whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" under § 99.37. (§ 99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))
- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))