

## **What is FERPA?**

The *Family Educational Rights and Privacy Act of 1974*, sets forth requirements regarding the privacy of student records. This law applies to postsecondary institutions as well as K-12 schools. FERPA governs the disclosure of education records maintained by an educational institution; and access to these records.

## **Notification of Rights under FERPA**

### **Family Education Rights and Privacy Act of 1974**

The Family Educational Rights and Privacy Act (FERPA) 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.

Students should submit to the Office of the Registrar written requests that identify the record(s) they wish to inspect. The University official responsible for the record will make arrangements for access and notify the student of the time and place where 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 is inaccurate.

Students may ask the University to amend a record that they believe is inaccurate. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate.

If the University decides not to amend the record as requested by the student, the 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 the University in an administrative, supervisory, academic or research, or support staff position (including Security personnel and Wellness Center staff); a person or company with whom the University has contracted (such as an attorney,

auditor, 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.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Dominican University to comply with the requirement 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, DC 20202-5920

**Directory Information (/ICS/Resources/Student\_Services/Registrar's\_Office/FERPA.jnz?portlet=Directory\_Information)**

## **Dominican University Notice for Directory Information**

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that Dominican, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information for your education records. However, Dominican may disclose appropriately designated "directory information" without written consent, unless you have advised Dominican to the contrary in accordance with Dominican procedures.

**Dominican does not publish a student directory;** rather, designating certain information as "directory information" allows Dominican to include this type of information from your education records in certain publications, without violating your right to privacy. Examples include:

- A playbill, showing your role in a drama production
- Dean's List or other recognition lists
- Commencement program
- Sports program, such as for basketball, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without prior written consent. For example, Dominican releases enrollment information to the [National Student Clearinghouse \(http://www.enrollmentverify.org\)](http://www.enrollmentverify.org) and releases directory information to companies that provide student insurance and class rings; Dominican **does not** release information to credit card companies, loan consolidation companies, etc. Dominican has designated the following information as directory information:

- Student's name
- Participation in officially recognized activities and sports

- Address (home, local, e-mail)
- Telephone listings
- Weight and height of members of athletic teams
- Photograph/Video for University and other publications
- Degrees, honors, and awards received
- Date of birth
- Major field of study
- Dates of attendance
- Current Enrollment Status
- The most recent educational agency or institution attended
- Class level
- Anticipated graduation date

If you do not want Dominican to disclose directory information from your education records without prior written consent, you must contact the Office of Registrar as soon as possible to discuss this option. Please consider very carefully the consequences of the decision to withhold directory information. Such requests are binding for all information to all non-institutional persons or organizations other than for educational purposes for the duration of your enrollment at Dominican University. This includes the omission of your name from any list of student names published by Dominican University, including the Dean's List and the Commencement Bulletin.

Dominican University will honor your request to withhold directory information but cannot assume responsibility to contact you for subsequent permission to release your information. Regardless of the effect upon you, Dominican University assumes no liability as a result of honoring your instructions that such information be withheld.

## **Aviso de la Dominican University sobre la información del directorio**

La Ley de Privacidad y Derechos Educativos de la Familia (Family Educational Rights and Privacy Act, FERPA), una ley federal, exige que la Dominican University, con ciertas excepciones, obtenga su consentimiento por escrito antes de divulgar información personal identificable para sus registros educativos. Sin embargo, la Dominican University puede divulgar apropiadamente la designada "información de directorio" sin el consentimiento por escrito, a menos que usted haya advertido a la Dominican University de lo contrario de conformidad con los procedimientos de la Dominican University. **La Dominican University no publica un directorio de estudiantes;** más bien, la designación de cierta información como "información de directorio" permite a la Dominican University incluir este tipo de información de sus registros educativos en ciertas publicaciones, sin violar su derecho a la privacidad. Algunos ejemplos son:

- Un folleto de teatro que muestre su papel en una producción teatral.
- Lista del decano u otras listas de reconocimiento.
- Programa de graduación.
- Programa deportivo, por ejemplo de baloncesto, que muestra el peso y la estatura de los miembros del equipo.

La información del directorio, que es información que generalmente no se considera perjudicial o una invasión de la privacidad si se divulga, también puede revelarse a organizaciones externas sin consentimiento previo por escrito. Por ejemplo, la Dominican University divulga información de inscripción a la National Student Clearinghouse (<https://www.studentclearinghouse.org/verify/>) y divulga información de directorio a compañías que proveen seguros estudiantiles y anillos de clases; la Dominican University **no** divulga información a compañías de tarjetas de crédito, compañías de consolidación de préstamos, etc. La Dominican University ha designado la siguiente información como información de directorio:

- Nombre del alumno.
- Participación en actividades y deportes oficialmente reconocidos.
- Dirección (particular, local, correo electrónico).
- Listados telefónicos.
- Peso y estatura de los miembros de los equipos deportivos.
- Fotografías y vídeos para la universidad y otras publicaciones
- Títulos, honores y premios recibidos.
- Fecha de nacimiento.
- Campo principal de estudio.
- Fechas de asistencia.
- Estado actual de la matrícula.
- La última institución o agencia educativa a la que ha asistido.
- Nivel de clase.
- Fecha prevista de graduación.

Si no desea que la Dominican University divulgue información de directorio de sus registros educativos sin previo consentimiento por escrito, debe ponerse en contacto con la oficina de registro tan pronto como sea posible para discutir esta opción. Por favor, considere muy cuidadosamente las consecuencias de la decisión de retener información de directorio. Tales solicitudes son vinculantes para toda la información a todas las personas no institucionales u organizaciones que no sean para fines educativos para la duración de su inscripción en la Dominican University. Esto incluye la omisión de su nombre de cualquier lista de nombres de estudiantes publicada por la Dominican University, incluyendo la lista del decano y el boletín de graduación.

La Dominican University honrará su petición de retener la información de directorio pero no puede asumir la responsabilidad de ponerse en contacto con usted para obtener permiso posterior para divulgar su información. Independientemente del efecto sobre usted, la Dominican University no asume ninguna responsabilidad como resultado de cumplir con sus instrucciones de que dicha información sea retenida.

**Guidelines for Faculty (/ICS/Resources/Student\_Services/Registrar's\_Office/FERPA.jnz?portlet=Guidelines\_for\_Faculty)**

## Introduction

Educational records are kept by University offices to facilitate the educational development of students. Faculty and staff members may also keep informal records relating to their functional responsibilities with individual students.

A federal law, the Family Educational Rights And Privacy Act of 1974 (FERPA, also known as the Buckley Amendment) as amended, affords students certain rights concerning their student educational records. Students have the right to have some control over the disclosure of information from the records. Educational institutions have the responsibility to prevent improper disclosure of personally identifiable information from the records.

# Student and Parent Rights Relating to Educational Records

Students have a right to know about the purposes, content, and location of information kept as part of their educational records.

They have a right to gain access to and challenge the content of their educational records. FERPA was not intended to provide a process to be used to question substantive judgments that are correctly recorded. For example, a student may not use this right to contest a grade in a course because they felt a higher grade should have been assigned.

Students also have a right to expect confidentiality of certain information about them in student records and, under certain conditions, to gain access to information in student educational records. For purposes of FERPA, the University considers all students independent, limiting the student educational record information that may be released to parents or directory information unless the student provides specific written permission.

## Educational Records

Student educational records are specifically defined as records, files, documents, and other materials that contain information directly related to a student and maintained by the University or someone acting for the University according to policy.

Excluded from student educational records are records of instructional, supervisory, and administrative personnel and ancillary educational personnel in the sole possession of the maker and that are not accessible or revealed to any other person, except for a substitute. Additionally, notes of a professor or staff member intended for his or her own use are not part of the educational record, nor are records of police services, application of records of students not admitted to the University, alumni records, or records of physicians, psychiatrists, psychologists, or other recognized professionals.

Records relating to an individual who is employed by the University not as a result of his or her status as a student are also excluded. However, employment records relating to University students who are employed as a result of their status as students are considered educational records.

## Directory Information

Some information about students is considered "directory information". Directory information may be publicly shared by the institution unless the student has taken formal action to restrict its release.

Directory information includes:

- Student's name
- Participation in officially recognized activities and sports
- Address (home, local, e-mail)
- Telephone listings
- Weight and height of members of athletic teams
- Photograph/Video for University and other publications
- Degrees, honors, and awards received
- Date of birth
- Major field of study

- Dates of attendance
- Current Enrollment Status
- The most recent educational agency or institution attended
- Class Standing

A student must formally request the University Registrar to prevent disclosure of directory information, except to school officials with legitimate educational interests and certain others as specified in the regulations. Once filed, this request becomes a permanent part of the student's record until the student instructs the University, in writing, to have the request removed.

### **Guidelines for Faculty**

1. DO refer requests for information from the educational record of a student to the Office of the Registrar.
2. DO keep only those individual student records necessary for the fulfillment of your teaching and advising responsibilities. Private notes of a faculty member concerning a student and intended for the faculty member's own use are not part of the student's educational records, provided they are not accessible to or shared with any other person.
3. DO keep any personal professional records relating to individual students separate from their educational records. Private records of instructional, supervisory, and administrative personnel and ancillary educational personnel are to be kept in the sole possession of the maker and are not to be accessible or revealed to any other person, except a substitute.
4. DO change factual information regarding grades and performance in an education record when the student is able to provide valid documentation that information is inaccurate or misleading. The substantive judgment of a faculty member about a student's work, expressed in grades and/or evaluations, is not within the purview of students' FERPA right to challenge their educational records.
5. DO NOT display student scores or grades publicly in association with names, Social Security Numbers, or other personal identifiers. If scores or grades are posted, use some code known only to you and the individual student. In no case should the list be posted in alphabetic sequence by student name.
6. DO NOT put papers, graded exam books, or lab reports containing student names and grades in publicly accessible places. Students are not to have access to the scores and grades of others in class in ways that allow other students to be identified.
7. DO NOT request information from the educational record custodian without a legitimate educational interest and the appropriate authority to do so.
8. DO NOT share student educational record information, including grades, student ID numbers or grade point averages, with other faculty or staff members of the University unless their official responsibilities identify their "legitimate educational interest" in that information for that student.
9. DO NOT share information from student educational records, including grades, student ID numbers or grade point averages, with parents or others outside the institution, including in letters of recommendation, without written permission from the student.
10. WHEN IN DOUBT err on the side of caution and do not release student educational information. Contact the Office of the Registrar for guidance.

*Questions about this document or about FERPA may be addressed to the Office of the Registrar (<mailto:registrar@dom.edu>), ext. 6774.*

# FERPA Tutorial

This tutorial is designed to give you a basic understanding of the rules governing release of student information at Dominican University. For more information, or consultation regarding specific situations, you may contact the Office of the Registrar (<mailto:registrar@dom.edu>) at ext. 6774.

## What is the federal law regarding student records?

The "Family Educational Rights and Privacy Act" (referred to as FERPA and sometimes called the Buckley Amendment) was passed by Congress in 1974. FERPA and its regulations establish:

- A student's right to inspect and review educational records that an educational institution is keeping on the student;
- A student's right to challenge the content of his or her records;
- A student's right to limit disclosure of his/her records;
- The institution's obligation to notify students of their rights under FERPA and its regulations;
- Recourse for students and the federal government when an educational institution violates the Act or regulations by improperly disclosing a student's personally identifiable information from the records.

## What is an educational record?

Just about any information directly related to a student and maintained by Dominican University or by a person acting for the University is considered a student educational record. Any record related directly to a student should be held in confidence.

Examples of educational records include:

- grades / transcripts
- student schedules
- names of students' advisors
- papers / student thesis / tests
- records of student discipline
- personal information such as social security number, age, parent's name

Educational records are not:

- sole possession records (not accessible or revealed to any other person)
- law enforcement records, as defined in FERPA
- employment records
- medical records
- post-attendance records

The storage media in which you find this information does not matter. A student educational record may be:

- a document in the Office of the Registrar or Financial Services
- a computer printout in your office

- a class list on your desktop
- video or audio tape
- notes you have taken during an advising session
- computer media (printed e-mails, e.g.)

Also see separate document Dominican University Notice for Directory Information.

## What are the basic rules?

Student educational records are considered confidential and may not be released without the written consent of the student. As a faculty or staff member you have a responsibility to protect educational records in your possession.

Some information is considered public (called "Directory Information"). This information can be released without the student's written permission. However, the student may opt to consider this information confidential as well and it will be flagged as such in the student's record if the option is elected. Dominican University identifies the following as directory information: student's name, participation in officially recognized activities and sports, address (home, local, e-mail), telephone listings, weight and height of members of athletic teams, photograph/video for University and other publications, degrees, honors, and awards received, date of birth, major field of study, dates of attendance, current enrollment status, the most recent educational agency or institution attended, class standing, and schedule of classes. Therefore, you may (but are not required to) release this "Directory Information" without consent.

You have access to non-directory information educational records only for legitimate use to discharge your responsibilities as a Dominican University employee. "Need to know" is the basic principle.

Parents of students do not have automatic rights (as they did in elementary and secondary school); however, if the student is a dependent (as defined by the IRS) we may release records information unless the student has indicated otherwise. In general, it is a good idea to check with the Registrar before releasing information to any third party unless you have obtained written permission of the student. If you see the word "Confidential" next to a name there is some restriction in place and you must contact the Registrar before releasing any information.

If you are ever in doubt, do not release any information until you contact the Office of the Registrar at 708-524-6774 or [registrar@dom.edu](mailto:registrar@dom.edu) (<mailto:registrar@dom.edu>).

## To avoid violations of FERPA rules, DO NOT:

- use the Social Security Number or ID number of a student in a public posting of grades or link the name of a student with that student's social security or ID number in any public manner;
- leave graded tests, papers, or lab reports in a publicly accessible place for students to pick up by sorting through the papers of other students;
- circulate a printed class list with student name and ID number or grades as an attendance roster;
- discuss the progress or the educational record information of any student with anyone other than the student (including parents) without the consent of the student or verifying that the student has granted access to the third party by contacting the Office of the Registrar;
- provide anyone outside Dominican University with lists of students enrolled in classes;
- provide anyone with student schedules or assist anyone other than Dominican employees in finding a student on campus;
- request information from the educational record without a legitimate educational interest and the appropriate authority to do so;
- share student educational record information, including grades or grade point averages, with other faculty or staff members of the University unless their official responsibilities identify their "legitimate educational interest" in that



information for that student.

WHEN IN DOUBT, err on the side of caution and do not release student educational information. Contact the Office of the Registrar for guidance at ext. 6774.

**You have completed the informational section of the tutorial. Please refer to the FERPA Quiz to test your knowledge about FERPA.**

**FERPA Quiz (/ICS/Resources/Student\_Services/Registrar's\_Office/FERPA.jnz?portlet=FERPA\_Quiz)**

## FERPA Quiz

### Question 1 of 9:

You get a frantic phone call from an individual who says that he is a student's father and must get in touch with her immediately because of a family emergency. Can you tell him when and where her next class is today?

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**No**

For the safety of the student you cannot tell another person where a student is at any time. Inform the caller they should contact the Dean of Students or the Office of the Registrar for more information.

**When this situation arises, follow prescribed University procedure.**

### Question 2 of 9:

You receive a call from a recruiting firm asking for names and addresses of students with a GPA of 3.0 or better. They say they have good job information for these students. Can you help these students get jobs by giving out this information?

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**No**

While we all want to help students to get good jobs, the request should be sent to the appropriate office.

**Do not give out student information that pertains to grade point average to anyone without prior written consent of that student. All outside requests for information must be referred to the Office of the Registrar. Information about the recruiting firm, however, could be provided to students and should be forwarded to the Center for Career Development.**

### Question 3 of 9:

A student asks you for grade information because there is a hold on his or her record. Do you give the grade to him or her?

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**Yes**

Yes, it is allowable but discouraged.

By law, students may view records but institutions may withhold official copies of documents when money is owed to the institution. Therefore, if a student has a hold they most likely have an outstanding balance with the University and are being prompted to make arrangements for payment by being directed to a business associate to resolve the matter. Holds may also be applied for reasons other than finances, and are effective only when the student goes through appropriate channels to get access to the record. (FERPA allows us to withhold access for up to 45 days.).

## Question 4 of 9:

You receive a phone call from the local police department indicating that they are trying to determine whether a particular student was in attendance on a specific day. Since they are in the middle of a investigation, are you allowed to give them this information?

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**No**

The police should first be directed to the Dean of Students Office.

**Information about whether or not a student was enrolled in a particular semester is directory information and can be obtained through the Office of the Registrar. If the police require more information, a subpoena may be required. Additionally, FERPA requires notification be sent to the student, unless it is specifically stated on the subpoena that the student must not be notified.**

## Question 5 of 9:

If a student's parent calls asking how a student is doing in a class, can you give out that information?

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**No**

Even though the person inquiring may be the student's parent, FERPA recognizes students in higher education as adults, regardless of age. Therefore, you cannot give out that grade, or any other non-directory information unless the student has granted access to his parents which can be confirmed by contacting the Registrar and Student Financial Services office. Be particularly careful if the student has graduated or is no longer at the College. You can ask the student to grant you permission to talk to a parent if appropriate.

**The law states colleges may, but are not required to give parents information even if the student is a dependent. Most students allow this, but some have requested that access be restricted. Therefore, it is important to confirm that this is allowable.**

## Question 6 of 9:

A faculty member requests a copy of a student's record so that he may write a recommendation for the student. Can he access the student's record for this reason?

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**Yes**

**The faculty member is a "school official" as defined by the FERPA policy. The "legitimate educational interest" would be in fulfilling his professional responsibility of writing an accurate letter of recommendation for the**

student.

## Question 7 of 9:

An unauthorized person retrieves information from a computer screen that was left unattended. Under FERPA, is the staff member or institution responsible?

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### Yes

Information on a computer screen should be treated the same as printed reports.

**The medium in which the information is held is unimportant. No information should be left accessible or unattended, including computer displays.**

## Question 8 of 9:

You have been granted access to certain educational records in accordance with your duties at Dominican. Since this is information you are entitled to under FERPA can you redisclose this information to any party?

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### No

FERPA states that you may not redisclose information without prior consent.

**There are some occasions when this is allowable, such as release to organizations conducting educational studies, accrediting agencies, and judicial orders. Check with the Registrar before releasing information.**

## Question 9 of 9:

You are facing an emergency situation where you fear the health and safety of people are in jeopardy if you do not release certain protected information to a third party. Can you exercise judgment and release the information?

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### Yes

The health and safety of members of the Dominican Community is paramount and FERPA is not intended to increase the risk of individuals' safety in an emergency situation.

**There is a provision in FERPA which states that you may release information from an educational record to an appropriate person "in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals."**

## SOCIAL MEDIA

**in** [\\_\(/www.linkedin.com/school/163487/\)](https://www.linkedin.com/school/163487/) **🐦** [\\_\(/twitter.com/DominicanU\)](https://twitter.com/DominicanU) **f** [\\_\(/www.facebook.com/Dominican\)](https://www.facebook.com/Dominican) **📺** **YouTube**  
**@**

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## INFORMATION

**Academic Calendar** ([/ICS/Resources/Student\\_Services/Registrar%27s\\_Office/Academic\\_Calendar.jnz](#))

**Bookstore** (<http://www.bkstr.com/dominicanstore/home>)

**Campus Reporting Options** (<https://www.dom.edu/campus-reporting-options>)

**Contact Us** (<https://www.dom.edu/about-dominican/contact-us>)

**Directions & Campus Map** (<https://www.dom.edu/about-dominican/directions-and-campus-map>)

**Employment** (<https://www.dom.edu/offices/hr/jobs-dominican>)

**Faculty & Staff Directory** ([/ICS/Search/](#))

**Library** (<https://research.dom.edu/rcl>)

**University Bulletin** (<http://bulletin.dom.edu/>)

## LEGAL

**Clery Act** ([https://mydu.dom.edu/ICS/Resources/Offices\\_-\\_Departments/Campus\\_Safety\\_and\\_Security/Crime\\_Stats.jnz](https://mydu.dom.edu/ICS/Resources/Offices_-_Departments/Campus_Safety_and_Security/Crime_Stats.jnz))

**Consumer Information** (<https://www.dom.edu/about-dominican/consumer-information>)

**IBHE Complaints** (<http://complaints.ibhe.org/>)

**Title IX** (<https://www.dom.edu/diversity/policies>)

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