

DEPAUL UNIVERSITY



FERPA Compliance

Category: Academic Affairs - Operational

Responsible Department: Office of the University Registrar

Responsible Officer: AVP Enrollment Services

Effective Date: 4/17/2017

Policy Summary

The Family Educational Rights and Privacy Act of 1974, as amended (also known as the Buckley Amendment) (FERPA), sets forth requirements regarding access to, and privacy of, students' education records maintained by DePaul University.

FERPA affords students the right to inspect and review their education records; the right to request to amend to their education records; and, under some circumstances and with particular exceptions, the right to control disclosure of their education records.

This policy sets forth various DePaul rules and procedures regarding DePaul's compliance with FERPA.

Scope

This policy applies to (1) all students; (2) all employees (faculty, staff, student workers) with any access to education record information; and (3) any third-party vendor with whom the University contracts that has access to education record information.

Policy

Definitions for capitalized defined terms are located at the end of this section.

DePaul University complies with the Family Educational Rights and Privacy Act of 1974, as amended (also known as the Buckley Amendment) (FERPA).

A student's FERPA rights are in effect at DePaul beginning the first day of the student's first term of enrollment at the University. FERPA is applicable to all students who attend, or have attended, DePaul, regardless of age. A student who has graduated or ceased to attend the University continues to have FERPA rights. Although FERPA does not apply to deceased students, the records of deceased students are protected under the Responsibilities Regarding Deceased Students policy.

The Office of the University Registrar annually notifies students of their rights under FERPA. Faculty, staff and student workers with access to education record information will be required to complete annual FERPA training. University departments entering into contracts with a third-party vendor that will have access to education record information must inform the vendor of any applicable FERPA requirements via their contracts with the University. In addition, under the Contract Requirements and Procedures policy, the Office of General Counsel must review the contract.

Students at DePaul have the following rights under FERPA:

- The right to inspect and review their education records;
- The right to request to amend their education records;
- The right to control, in certain circumstances, disclosure of their education records by giving prior written consent for disclosure;
- The right to file a formal complaint with the United States Department of Education (Family Policy Compliance Office) concerning alleged failures of the University to comply with the requirements of FERPA.

The Right to Inspect and Review Education Records

A student has the right to inspect and review their education records. Requests to inspect and review education records will be fulfilled within 45 days of the day that the appropriate University office receives the request. The right to inspect and review education records does not apply to certain education records including, but not limited to: (1) parental financial records; (2) letters of recommendation to which the student has waived their right to inspect; (3) admission records to which the student has waived their right to inspect; and (4) certain employment information. Education records may be redacted to protect other students' education record information prior to being made available for inspection and review. DePaul will not destroy any education records that are currently the subject of a pending request to inspect and review.

Students should consult the "Procedures Related to Requesting to Inspect and Review Education Records" section of this policy for further details about how to request to inspect and review education records.

The Right to Request to Amend Education Records

A student has the right to request to amend any of their education records that the student believes are inaccurate, misleading, or in violation of privacy rights. Requests to amend education records will be granted or denied in writing within a reasonable length of time. Please note that this right does not include the right to request an amendment to a grade, as this is covered under the University's grade challenge process (please consult the current Student Handbook for additional information).

If the University denies the student the right to amend an education record, the student may request a hearing to challenge that decision.

If, after holding a hearing, the University still denies the student the right to amend the education record, the student will be informed of their right to place a statement on the education record

commenting on the contested information and/or stating why the student disagrees with the University's decision not to amend the education record. The University will disclose this statement whenever the education record is disclosed.

Students should consult the "Procedures Related to Requesting to Amend Education Records" section of this policy for further details about how to request to amend their education records and how to request hearings in the event that a request to amend is denied.

The Right to Control Certain Disclosure of Education Records

Students have the right to control, under certain circumstances and with particular exceptions, DePaul's disclosure of their education records.

One example is Directory Information. As permitted by FERPA, DePaul has designated certain education record information as Directory Information. (See "Definitions" below for a list of information that DePaul has designated as Directory Information.) DePaul may, but is not required to, disclose a student's Directory Information to third parties without prior consent. However, students have the right to limit this type of disclosure of education record information identified as Directory Information. See Procedures Related to Disclosure of Education Records-*Controlling Disclosure of Directory Information*.

In general, DePaul will disclose education records that are not Directory Information to third parties only upon prior written consent of the student. However, under certain circumstances, FERPA authorizes, but does not require, the University to disclose a student's education record information (regardless of whether the information is Directory Information) without prior consent. As examples, DePaul may release information from education records without prior consent under the following circumstances:

- (1) To a School Official who has a legitimate educational interest or professional need to know (as defined below);
- (2) To School Officials from other schools 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;
- (3) To comply with a valid judicial order or lawfully issued subpoena (with prior reasonable efforts to notify the student of such disclosure under certain circumstances);
- (4) To federal, state, or local authorities conducting an audit or evaluation of compliance with education programs;
- (5) To accrediting organizations carrying out their accrediting functions;
- (6) In connection with the application for, disbursement of, or enforcement of a student's financial aid funding;
- (7) To parents of dependent students, if either parent's most recent federal income tax forms are made available to and can be verified by the University department responsible for the education records to be disclosed;
- (8) To all appropriate officials during a health or safety emergency, as determined by the University, if knowledge of the information is necessary to protect the health or safety of the student or other individuals;
- (9) To organizations conducting certain studies for, or on behalf of, educational institutions (so long as such disclosure does not permit personal identification of students and is thereafter destroyed);

(10) In connection with certain disciplinary proceedings involving crimes of violence and violations of University policy (including disclosing the final results of a disciplinary proceeding to alleged victims of crimes of violence);

(11) To parents of students under 21 if the student has committed a violation of the University's drug or alcohol rules or policies (regardless of the student's dependent status).

Students should consult the "Procedures Related to Disclosure of Education Records" section of this policy for further details about controlling certain disclosures of education records, including information about limiting the disclosure of Directory Information, and information about otherwise authorizing the disclosure of education record information.

Filing a Complaint with the United States Department of Education

Any student who believes that DePaul has violated FERPA should first contact the department in question or the Associate Vice President for Enrollment Services regarding the alleged violation to file a complaint. The student may file a formal complaint with the United States Department of Education.

The name and address of the Office that administers FERPA is:

U.S. Department of Education
Family Policy Compliance Office
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

Definitions

Directory Information - Directory Information is information that DePaul may disclose without the prior written consent of the student unless a currently-attending student has requested that this information not be released. (See Procedures Related to Disclosure of Education Records—*Controlling Disclosure of Directory Information*.) Directory Information includes a student's name, postal addresses, email addresses, telephone numbers, date of birth, major, year of school, dates of attendance at the University, full or part-time status, participation in officially recognized activities and sports, weight and height of members of athletic teams, photographs (including identification pictures), images (including video) depicting and/or concerning University life, degrees and awards received, and previous educational institution(s) attended. Directory Information does not include race, gender, social security number, grades, grade point average, country of citizenship, or religion.

Education Record - An education record is a record that is directly related to a student and maintained by the University. An education record can exist in any media, including handwritten notes, print, digital, audio, video, photograph, film, etc. The term education record ***does not include*** (1) notes that are kept in the sole possession of the maker and are not accessible or revealed to any other person; (2) Law enforcement records from DePaul's Office of Public Safety; (3) alumni records; (4) treatment records about students maintained by a physician, psychologist, psychiatrist, or other recognized professional (except if used for instruction or remedial educational activities); (5) first-hand personal impressions not based on education records; or (6) records relating to an individual employed by DePaul 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 use for any other purpose. Records relating to an individual in attendance at DePaul who is employed as a result of his or her status as a student are considered education records for purposes of FERPA and are not excepted under this definition.

DePaul retains and disposes of education records in accordance with the Records Management Policy.

School Official - A School Official is any person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, collection agent, or vendor); a person serving on the Board of Trustees; or a student serving in an official capacity, such as on a judicial or grievance committee. A School Official has a *legitimate educational interest or professional need to know* if the School Official needs to review an education record in order to fulfill his or her professional work responsibility.

Procedures

Procedures Related to Requesting to Inspect and Review Education Records

A student who wishes to inspect and review an education record must begin the process by submitting a "Request to Review Education Records" (see appendix) to URsupport@depaul.edu or to the individual University department that maintains the education record to be inspected and reviewed. Students must detail on this form the specific education record(s) to be inspected and reviewed.

A student may be required to present proper identification or otherwise verify their identity in a manner deemed appropriate by the University department that maintains the education records to be inspected and reviewed.

If a student requests to copy education records, DePaul may assess reasonable copy fees.

Procedures Related to Requesting to Amend Education Records

A student who requests an amendment to an education record must submit a "Request to Amend or Remove Education Records" (see appendix) and any supporting documentation to URsupport@depaul.edu or to the individual University department that maintains the education record to be amended. A student must detail on this form the part of the education record to be amended, and must specify why the education record is inaccurate, misleading, or in violation of privacy rights.

If a request to amend an education record is denied, a student may request a hearing on the matter by submitting a "Request for Formal Hearing to Amend or Remove Education Records" (see appendix) to URsupport@depaul.edu. All hearings regarding the amendment of education records will be conducted by designees of the Office of the University Registrar who do not have a direct interest in the outcome of the hearing. Hearings will be held within a reasonable time of when the student requests the hearing. A student will be given a full and fair opportunity to present relevant evidence and may, at the student's own expense, bring a representative, including an attorney, to the hearing.

Hearing decisions will be rendered, and given to the student in writing, within a reasonable period of time after the hearing. A hearing decision will be based solely on the evidence presented at the hearing and will include a summary of evidence presented and the reasons for the decision. If the University denies the student's right to amend the record, the student will be informed about the process for placing a statement on the education record to comment on the contested information and/or stating why the student disagrees with the University's decision not to amend the education record.

Procedures Related to Disclosure of Education Records

Controlling Disclosure of Directory Information

DePaul may disclose information that has been designated as Directory Information to third parties without prior written consent of a student.

Students may limit disclosure of (i.e. place a hold on the disclosure of) Directory Information by going to Campus Connect and selecting the Profile tile > Share Information and Privacy > FERPA Restrictions > Edit FERPA/Directory Restrictions.

Once a student places a hold on the disclosure of Directory Information, that hold will remain in effect until modified by the student via Campus Connect. Students who are no longer in attendance at DePaul will not be able to revise their privacy settings regarding Directory Information after their last date of attendance. Any settings regarding Directory Information that are in effect at that time will remain in effect except under extraordinary circumstances with permission of the Office of the University Registrar.

Students should be aware that documents prepared prior to the time at which the student placed a hold on the disclosure of their Directory Information may contain the student's Directory Information. The University is under no obligation to modify these documents.

Students are encouraged to review their Demographic Data and related settings periodically as well as immediately prior to their last date of attendance at DePaul.

Consenting to Disclosure to Third Parties

In general, the Office of the University Registrar does not accept broad or on-going written consents for disclosure of education record information. Students are encouraged to work directly with their parents and other third parties to make education record information available to these individuals should the students so choose.

Through Campus Connect students have the ability to provide access to certain information from their education record to other individuals. It is the student's responsibility to provide and remove access as the student determines appropriate.

Under certain circumstances, and at the discretion of the Office of the University Registrar, the Office of the University Registrar may work with an individual student to allow for the disclosure of education record information to a third party via a written consent form that is signed and dated and specifies (1) the education record information to be disclosed; (2) to whom the education record information is being disclosed; and, (3) the purpose for the disclosure.

Individual University departments other than the Office of the University Registrar that maintain education records may choose to implement additional procedures for students to consent to the disclosure of education records that are maintained by that department.

Disclosure of Education Record Information Where Consent is Not Required

As detailed above ("The Right to Control Certain Disclosure of Education Records"), there are several circumstances in which the University may, but is not required to, disclose a student's education record information (regardless of whether the information is Directory Information) without prior consent.

Employees who are unsure about whether a particular disclosure of an education record is authorized under one of the stated exceptions, or otherwise, should contact the Office of the University Registrar or the Office of the General Counsel for consultation.

Other Procedures

In Autumn Term, the Office of the University Registrar will send an annual notification to all registered students outlining their FERPA rights and responsibilities. All new students regardless of term of enrollment will receive the notification in their first term of enrollment. The Office of the University Registrar will send an email reminder, with appropriate links to University policies, to all students each term requesting that students review their FERPA rights.

Employees with access to education record information will be required to complete annual training. The Office of the University Registrar provides online and onsite training sessions for faculty and staff with access to student data in all forms. In addition, individual University departments that maintain education records will participate in FERPA training. Employees with access to databases containing educational record information, employees responsible for reporting student information, and employees responsible for external systems that house student information must attend training specific to these responsibilities.

When a FERPA violation is discovered it must be reported to the Associate Vice President for Enrollment Services.

University departments entering into contracts with a third-party vendor that will have access to education record information should follow the [Contract Requirements & Procedures Policy](#) to ensure that the contract contains sufficient language regarding disclosure of education record information.

Individual University departments other than the Office of the University Registrar that maintain education records (e.g. Student Affairs, College/School offices, Student Accounts) may implement additional procedures for complying with FERPA with respect to the education records that they maintain.

Please consult "Contact Information for Specific Education Records" (see appendix) for more information about education records that are maintained by departments other than the Office of the University Registrar.

Divisional Collaborations

Enrollment Management (Office of the University Registrar, Financial Aid, Career Center)
Student Accounts
Information Services
Academic Affairs
Student Affairs
Records Management
Office of the General Counsel
Office of Compliance & Risk Management

Contact Information

Paula Luff
Associate Vice President, Enrollment Services
Enrollment Management and Marketing
312-362-7668

Appendices

- (1) [Request to Review](#)
 - (2) [Request to Amend or Remove Education Records](#)
 - (3) [Request for Formal Hearing to Amend or Remove Education Records](#)
 - (4) Contact Information for Specific Education Records (Please contact the Office of the University Registrar for this information)
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History/Revisions

Origination Date: 12/09/2008
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