

STUDENT RECORDS POLICIES AND PROCEDURES
RELATING TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) FOR
FRESNO PACIFIC UNIVERSITY

Registrar's Office
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FERPA OVERVIEW

FERPA (Family Education Rights and Privacy Act) was enacted in 1974. It is a set of regulations that applies to those institutions that received funding from the Department of Education. FERPA was written specifically for students and guarantees them the right to inspect and review their education records, the right to seek to amend education records, and the right to have some control over the disclosure of information from those education records.

A **student** is defined as any person who attends or has attended Fresno Pacific University. A person becomes a student on the first day of attending a class either physically or electronically. Persons who originate as students in the Center for Professional Development/Continuing Education become students on the day of registration Rights extend until the student's death.

An **education record** is defined as any record that directly identifies a student and is maintained by the institution or educational agency or by a party active for the institution or educational agency. Education records can exist in any medium including the following: handwritten, typed, computer-generated, videotape, audiotape, film, microfilm, microfiche, email or and others that are maintained by Fresno Pacific University or an agent of the University that directly relates to a student.

DIRECTORY INFORMATION

Fresno Pacific University designates the following items as Directory Information:

- Address
- Awards, honors
- Birthday, not including year and place of birth
- Class Standing (e.g., freshman, admitted to a master's program)
- College Reading and Learning Association (CRLA) training levels
- Dates of attendance and/or semesters attended
- Degrees and/or certificates conferred (including conferral dates)
- Eligibility for commencement ceremonies
- Enrollment status (full-time, part-time)
- Email address
- Hometown of participants in co-curricular activities
- Major field of study (e.g., undergraduate major, graduate program)
- Name
- Names of previous institutions attended
- Past and present participation in official recognized co-curricular activities (e.g., sports, music, drama)
- Phone number
- Photograph
- Physical factors (athletes only)

Important note: Recordings of class lecture/discussion in which students are visible are NOT to be shared outside those enrolled in the course.

- FERPA does not prohibit a professor from making a recording of the lesson available to students enrolled in the course being recorded.

ANNUAL NOTIFICATION OF STUDENTS' RIGHTS UNDER FERPA

Students and parents are notified annually through email communication sent out at the start of each academic year with a link to the catalog and FERPA policy.

Center for Professional Development/Continuing Education students are notified annually in the course listing.

STUDENTS' RIGHTS TO PRIVACY UNDER FERPA

Students have the right to:

1. Inspect and review information contained in the education records housed by Fresno Pacific University.
2. Request the amendment of the student's education records to ensure that there are no inaccurate, misleading, or other violations of the student's privacy or other rights.
3. Give consent to disclosure, with certain exceptions, or **personally identifiable information** from education records.
4. File complaints with the U.S. Department of Education concerning alleged failures by Fresno Pacific University to comply with FERPA.

Personally identifiable information (PII) is defined as any data of information that makes the student's identity easily traceable would allow a reasonable person in the community to identify the student with reasonable certainty.

- Examples include, but are not limited to:
 - lecture recording in which the student is visibly present
 - the name of the student, the student's parent, or other family members
 - the student's address
 - a personal identifier such as a social security number or student identification number
 - a list of personal characteristics
 - date and place of birth
 - mother's maiden name

The U.S. Department of Education has authority to investigate possible violations of FERPA even if a complaint has been withdrawn or not complaint has been filed.

SCHOOL OFFICIALS

In general, **school officials** are persons representing Fresno Pacific University who act in the student's educational interest within the limitations of their need to know (legitimate educational interest).

Specifically, a school official is a person employed by the University in an administrative, supervisory academic research or support staff position (including law enforcement unit personnel, health staff and student staff); any third party vendor with whom the University has contracted (e.g., National Student Clearinghouse, an attorney, auditor, collection agent); a disciplinary or grievance committee, or assisting another school official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official may also be a contractor, a consultant, a volunteer or other outside party to whom FPU has outsourced institutional services that it would otherwise use employees to perform. The outside party will be under the direct control of FPU and will follow the same

rules as the university Some of the outside parties FPU currently uses as third-party vendors with access to student's records includes but is not limited to: National Student Clearing House, Moonami, eLumen, Ellucian, CampusWorks, Salesforce, Touchnet, Moodle, and ACS Athletics.

LEGITIMATE EDUCATIONAL INTEREST

The Demonstrated "need to know" by those officials of Fresno Pacific University who act in the student's educational interest. "**Legitimate educational interest**" shall mean any authorized interest or activity undertaken in the name of the University for which access to an education record is necessary or appropriate to the proper performance of the undertaking. It shall include access by students, instructors, department heads, division heads, deans, the chief academician, research staff, student affairs administrators, legal counsel, financial aid administrators, administrators charged with maintaining education records, the staff and subordinates of the foregoing, and others authorized by the Provost or President, to the extent the foregoing persons are acting within the course and scope of their employment and authority.

A **school official** has a **legitimate education interest** if the official is:

1. Performing a task that is specified to his or her position description or by a contractual agreement
2. Performing a task related to a student's education
3. Performing a task related to the discipline of a student
4. Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

STUDENTS' RIGHT ON NON-DISCLOSURE OF DIRECTORY INFORMATION

A student can request in writing, which still enrolled, that Fresno Pacific University not release directory information about him or her. Requests of non-disclosure will be honored until the student requests its removal in writing.

EXCEPTIONS – NOT EDUCATION RECORDS

There are a few exceptions to the definition of an education record (note that these records may be protected by other privacy laws, just not FERPA):

1. Records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker and are not accessible or revealed to any other individuals except a substitute.
 - a. Statements made by a person making a recommendation made from the person's personal observation or knowledge do not require a written release from the student who is the subject of the recommendation.
 - i. However, if non-directory information is included in a letter of recommendation (grades, GPA, etc.) or if the student has submitted a non-disclosure of directory information form, the writer is required to obtain a signed release from the student which:

- a. Specifies the records that may be disclosed.
 - b. States the purpose of the disclosure.
 - c. Identifies party or class of parties whom the disclosure can be made.
2. Records relating to individuals who are employed by the institution, which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees and are not available for use for any other purpose.
 - a. Records of students are education records, e.g., work-study, graduate assistants.
3. Records created and maintained by the Fresno Pacific University Campus Safety department that are for law enforcement purposes only.
4. Records maintained by the Health Services department and the Counseling Office if the records are used only for treatment of a student and made available only to those persons providing the treatment.
5. Records that only contain information about an individual after he or she is no longer a student at Fresno Pacific University (e.g., information gathered on the accomplishments of alumni).
6. Peer-graded assignments that have not been collected by a teacher

PROCEDURE TO INSPECT EDUCATION RECORDS

1. Students may inspect and review their education records upon written request to the Registrar's Office.
2. The written request must identify as precisely as possible the record(s) the student wishes to inspect
3. The Registrar's Office will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given 45 days or less from the receipt of the request.
4. When a record contains information about more than one student, students may inspect and review only the information that relates to their own record
5. FPU will make reasonable efforts to identify and authenticate the identity of parents, students, school officials, and others seeking personally identifiable information.

RIGHT OF UNIVERSITY TO REFUSE ACCESS

Fresno Pacific University reserves the right to refuse to permit a student to inspect the following records:

1. Financial information submitted by parents.
2. Confidential letters and recommendations placed in their files prior to January 1, 1975, provided these letters were collected under established policies of confidentiality and were used only for the purposes for which they were specifically collected.
3. Confidential letters and statements of recommendation, placed in the records after January 1, 1975, to which the student has waived his or her right to inspect and review

and that are related to the student's admission, application for employment or job placement, or receipt of honors.

4. Education records containing information about more than one student; Fresno Pacific University does permit access to that part of the record, which pertains only to the inquiring student.
5. Records connected with an application to attend Fresno Pacific University or a component unit of Fresno Pacific University that application was denied.
6. Those records which are excluded from the FERPA definition of education records.

REFUSAL TO PROVIDE COPIES

Fresno Pacific University reserves the right to deny transcripts or copies or records not required to be made available by FERPA in any of the following situations:

1. The student lives within commuting distance of Fresno Pacific University.
2. There is an unresolved disciplinary action against the student.

FEEES FOR COPIES OF RECORDS

Transcripts: Prices can be viewed on the [ordering site](#)

DISCLOSURE OF EDUCATION RECORDS

Fresno Pacific University will obtain written consent from students before disclosing any non-directory information from their educational records. The written consent must specify the records to be released, state the purpose of the disclosure, and identify the party or class of parties to whom disclosure may be made, and be signed and dated by the student.

Release of Non-Directory Student Information to Parents of Dependent Children without the Student's Written Consent:

Fresno Pacific University may disclose educational records to the student's parents without student consent if the student is a dependent for Federal Income Tax purposes. This supersedes the student's right to non-disclosure.

Fresno Pacific University will release traditional undergraduate student account statements to the address of designates selected by the student. Students will be provided opportunities to indicate this release:

1. When payment arrangements are made online
2. By signing a release and consent to mail form in the Student Financials Services Office.

Release to designates will be honored by the University until removed, in writing, by the student or until three years from the end of the last term of attendance at the university.

Fresno Pacific University may disclose information from a student's education records only with the written consent of the student, except:

1. To school officials who have a legitimate education interest in the records
2. To officials of another school in which a student seeks or intends to enroll on the condition that the issuing institution makes a reasonable attempt to inform the student of disclosure.
3. To the creator of an outside education record, that same education record. School officials who believe they may have received falsified transcripts, letters or recommendation, or other student information claiming to be from educational agencies and institutions may verify those documents with the creator.
4. To authorized representatives of the following for audit and evaluation of federal and/or state supported programs, or for enforcement or compliance with federal legal requirements which relate to those programs:
 - The Comptroller General of the United States
 - The Attorney General of the United States (in response to an ex parte court orders as part of an investigation or prosecution related to potential terrorism)
 - The secretary of the Department of Education
 - State and local educational authorities
5. To persons or organizations providing financial aid to students determining financial aid decisions, as necessary to determine the eligibility, amount of conditions of the financial aid, or to enforce the terms and conditions of the aid.
6. To Veterans Administration officials.
7. To state and local officials to whom disclosure is specifically required by state statute adopted prior to November 19, 1974.
8. To accrediting organizations.
9. To persons in compliance with a judicial order or a lawfully issued subpoena, provided that the institution makes a reasonable attempt to notify the student in advance of the compliance¹
10. To persons in an emergency, if the knowledge of information is necessary to protect the health or safety of students or other persons. FPU will consider the totality of the circumstances pertaining to a threat safety or health of a student of other individuals. If FPU determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to third parties whose knowledge of the information is necessary to protect them.

¹ Fresno Pacific University is not required to, and should not, notify the student if a federal grand jury subpoena, or any other subpoena issued for a law enforcement purpose, orders Fresno Pacific University not to disclose the existence or contents of the subpoena. Fresno Pacific University is not required to obtain a subpoena to produce education records of a student if the institution is sued by the student or takes legal action against a student. The records produced must be needed by the institution to proceed with legal action as plaintiff or to defend itself.

11. To a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense.
The disclosure may include only the results of the disciplinary proceeding conducted by Fresno Pacific University with respect to that alleged crime or offense. Fresno Pacific University may disclose the results of the disciplinary proceeding; regardless of whether the institution concluded a violation was committed.
12. To the public in connection with the final results of an institution disciplinary proceeding providing Fresno Pacific University has determined that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and with respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies.²
13. To courts of a disciplinary proceeding brought by a parent or student against the institution, or by the institution against a parent or student including the outcome of a disciplinary proceeding against a student in specified circumstances.
14. To parents and legal guardians regarding the student's violation of any federal, state, or local law, or of any institutional policy or rule governing the use of alcohol or a controlled substance if the institution has determined that the student has committed a disciplinary violation with respect to that use or possession and the student is under age of 21 at the time of the disclosure to the parent.
15. When the requested information is designated by Fresno Pacific University as Directory Information
16. When a student has signed and dated a written consent form which is presented to a school official by the third party
17. To release information FPU receives from the state community notification program about a student registered as a sex offender in the state.

Fresno Pacific University will not require a victim of an alleged sexual offense to agree not to disclose information he or she receives from the institution about the alleged perpetrator as part of a campus disciplinary proceeding. FPU will not require the accuser to execute a non-disclosure agreement or otherwise interfere with the re-disclosure of other use of information disclosed

DE-IDENTIFIED STUDENT DATA

To organizations conducting studies for or on behalf of education agencies or institutions to develop, validate and administer predictive tests, or to improve instruction, the university chooses to release information only after personally identifiable information has been removed. Personally identifiable information includes direct identifiers such as social security number as well as indirect identifiers such as the name of the student's parent or family member that would

² The final results must include only the name of the student, the violation committed, and any sanction imposed by the institution against the student. The institution may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.

allow a reasonable person in the community to identify the student with reasonable certainty. FPU will enter into a written agreement with the recipient organization, specifying the purposes of the study. The written agreement will specify that:

1. The information from the education records may only be used to meet the purposes of the study stated in the written agreement
2. The records must not be disclosed AND
3. The information must be destroyed upon completion of the study.

The University will not release information that is requested by a person who the institution reasonably believes has a direct, personal knowledge of the identity of the student to whom the education record directly relates without the student's consent.

RECORDS OF REQUESTS AND DISCLOSURES

Fresno Pacific University will maintain records of requests for and disclosure of personally identifiable information. The records of requests, whether granted or not, shall include the names and addresses of the persons who requested the information and their legitimate interests in the information. Except where required by federal regulations, records of requests and disclosures will not be maintained for:

1. Those requests made by students for their own use
2. Those disclosures made with the written consent of students
3. Those disclosures made to school officials under the conditions that allowed such disclosures
4. Those disclosures made to a party seeking directory information

CHALLENGE OF THE CONTENTS OF EDUCATION RECORDS³

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy or other rights. Following are the procedures for the challenging of the contents of education records:

1. A student must ask the Registrar of Fresno Pacific University in writing to amend a record. In so doing, the student should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of his or her privacy or other rights.
2. Fresno Pacific University chooses whether to comply with the request. If it decides not to comply, Fresno Pacific University will notify the student of the decision and advise them of their right to
3. a formal hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy or other rights.

³ The right to challenge grades does not apply unless the grade assigned was inaccurately recorded, under which condition the record will be corrected.

4. Upon request, Fresno Pacific University will arrange for a hearing, and notify the student reasonably in advance, of the date, place, and time of the hearing.
5. A hearing officer who is a disinterested party will conduct the hearing; however, the hearing officer may be an official of the institution. The student 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. One or more individuals may assist the student, including an attorney, at the student's expense.
6. Fresno Pacific 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.
7. If Fresno Pacific University decides that the challenged information is not inaccurate, misleading, or in violation of the student's privacy or other rights, it will notify the student that they have a right to place in a record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
8. The statement will be maintained as part of the student's education records if the contested portion is maintained. If Fresno Pacific University discloses the contested portion of the record it must also disclose the statement.
9. If Fresno Pacific University decides that 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.

OBTAINING EDUCATION RECORDS OF DECEASED STUDENTS

Education records of former students, including deceased former students, are kept confidential. Education records of deceased former students may be released or disclosed, at the time of death, upon written request, to a spouse, a parent, the executor of the estate, the eldest surviving child, the eldest surviving sibling, and surviving decedent, or pursuant to a court order or subpoena. Only the Registrar may release the educational records of deceased students.

The petitioner must provide as much of the following student information as possible within their written request:

1. Student's Name (and maiden name, if applicable)
2. Student's date of birth
3. The dates that the deceased student attended Fresno Pacific University
4. Death Certificate (a photocopy is acceptable)

The petitioner must also provide the following personal information within the written request:

1. Address
2. Phone Number

3. A statement certifying that he or she is qualified to receive the records, based on the above criteria.
4. Signature
5. Date of Request

The request should be addressed to the Registrar.