

## Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, provides enrolled students the right to inspect their “educational records” (defined generally as records, files, documents, and other materials maintained by the College which contain information directly related to the student and from which students can be individually identified) and to have a right to consent to most types of disclosure of these records. At Messiah College, educational records include cumulative academic records, grades, course schedules, most student disciplinary records, and most student account and financial aid records.

Educational records do not include records of administrative or instructional personnel which are personal in nature, in the sole possession of the maker, and not accessible to any other person; records which are maintained by physicians, psychiatrists, psychologists, or other recognized professionals or paraprofessionals, and made in connection with treatment of the student; financial records of parents; or records maintained by the Department of Safety created for the purpose of law enforcement. These records, then, are not available to students.

Students who wish to inspect their educational records should indicate such to the College official responsible for maintaining the particular record. FERPA requires that an appointment be made for the student to inspect the record within 45 days of the date of the request. If, upon examination, the student believes the record to be inaccurate or misleading, the student may file a written request that the College official amend the record. If the official decides not to amend the record as requested by the student, the student will be advised of his or her right to request a hearing. A hearing, to be conducted by a disinterested person appointed by the President, will be held within 30 days of receipt of a written request. The student will have a full and fair opportunity to present relevant evidence. A written decision will be rendered within two weeks of the date of the hearing.

A student’s educational records will be released to his or her parents only with the written consent of the student or upon receipt of certification that the parents have declared the student as a dependent on their most recent income tax return. The College, however, may elect to notify the parent of a student under the age of 21 who commits a disciplinary violation related to use or possession of alcohol or a controlled substance.

Parents normally will be notified when a student contracts a serious illness or injury, requires hospitalization, or is suspended or expelled. Any student who does not want this information provided to parents or who does not want his or her educational records released to parents must give written notification to the Registrar. This notification will remain in effect until revoked in writing by the student.

FERPA permits the College to release “directory information” without student consent to anyone requesting information. Directory information at Messiah College includes a student’s name, home address, campus address, home telephone number, campus telephone number, campus e-mail address, photograph (available only on an internal online student directory and faculty class rosters), dates of attendance, degree for which a student is a candidate, academic major, academic awards or honors, birth date, class year, full-time/part-time status, and weight and height for members of athletic teams. Additionally, the College may provide lists of student names by religious preference (if known) once each year in response to inquiries by local churches. The College does not, however, release directory information to outside organizations for commercial solicitation. Any student who does not want directory information released must give written notification to the Vice Provost/Dean of Students.

FERPA also authorizes the College to disclose personally identifiable information contained in a student’s educational records without a student’s consent in several other circumstances. Five of these circumstances are as follows: (1) to comply with a judicial order or a lawfully issued subpoena; (2) to protect the health or safety of the student or others in an emergency situation; (3) to officials of another institution in which the student seeks to enroll; (4) to alleged victims of any crime of violence (as that term is defined in Section 16, Title 18, U.S. Code) or no-nonforcible sex offense of the final results of a disciplinary proceeding conducted by the College against the alleged perpetrator of such crime or offense with respect to that incident; and (5) to school officials determined by the College to have a legitimate educational interest. A “school official” is a person employed by the College in a faculty, administrative or

staff position; a person or firm with whom the College has contracted (e.g., physician, attorney, accountant, National Student Clearinghouse); a member of the Board of Trustees; or a student serving on a College 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 educational record in order to fulfill his or her professional responsibility.

FERPA provides a student the right to file a complaint concerning alleged failures by the College to comply with the requirements of FERPA with Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-4605. This policy is maintained by the Messiah College Registrar and was last amended September 7, 2001.