

FAMILY EDUCATIONAL AND RIGHTS PRIVACY ACT

The Family Educational Rights and Privacy Act of 1974 (FERPA) provides students who are or have been "in attendance" at Messiah College certain rights with respect to their "education records." A student is deemed to be in attendance at the College if he/she is enrolled and is either physically present for classes or receives instruction through distance learning. Education records may be paper or electronic and are defined generally as records, files, documents, and other materials maintained by the College which contain information directly related to the student and from which the student can be personally identified.

Rights granted to a student under FERPA include:

- (1) The right to inspect and review the student's education records;
- (2) The right to request the amendment of the student's education records that the student believes inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA; and
- (3) The right to provide written consent before the College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

At Messiah College, education records include cumulative academic records, grades, course schedules, most student disciplinary records, and most student account and financial aid records. Education records do **not** include records that are created or received by the College after an individual is no longer a student in attendance and are not directly related to the individual's attendance, as well as grades on peer-graded papers before they are collected and recorded by an instructor.

Education records also do **not** include records of administrative or instructional personnel which are kept in the sole possession of the maker, 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 which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional capacity, made or maintained only in connection with treatment of the student, and disclosed only to individuals providing the treatment; financial records of parents; or records created and maintained by the Department of Safety for the purpose of law enforcement. These records, then, may not be inspected by students without the consent of the custodian of the records.

Students who wish to inspect their education 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.

Except to the extent that FERPA authorizes disclosure without consent, a student's education 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 claimed the student as a dependent on their most recent income tax return. Any student who does not want his or her education 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 (but does not require) the College to release "directory information" without student consent to anyone requesting information unless a student instructs the College not to release such information. Directory information means information contained in the education record of a student that would not be considered harmful or an invasion of privacy if disclosed. Directory information at Messiah College includes a student's name, home address, campus address, home telephone number, high school attended, campus telephone number, campus e-mail address, photograph (available on the College's internal, secure, online system), 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. Directory information does **not** include a student's social security number or student identification number. Without student consent, a student's social security number or student identification number may not be used by itself to authenticate identity or to gain access to education records.

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 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. That notification will be effective until rescinded by the student. The College will not disclose directory information of a former student if the student instructed the College not to release directory information while he/she was in attendance.

FERPA authorizes the College to disclose personally identifiable information from education records without a student's consent to appropriate parties, including parents of an eligible student (even if the student is not a dependent for income tax purposes), in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making this determination, the College may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the College 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 any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. The College must keep a record of the threat, the basis for its determination, and the names of the parties to whom the information was disclosed.

FERPA also authorizes the College to disclose personally identifiable information from education records without a student's consent in several other specific situations. Some of these are as follows:

(1) to comply with a judicial order or a lawfully issued subpoena, including an *ex parte* court order under the USA Patriot Act; (2) to another institution that has requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer; (3) to designated federal or state agencies; (4) in connection with financial aid for which the student has applied; (5) to alleged victims of any crime of violence or a non-forcible sex offense of the final results of a disciplinary proceeding conducted by the College against the alleged perpetrator of that crime or offense, regardless of whether the College concluded a violation was committed; (6) to anyone – not just the victim – the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has been found to have violated the College's rules or policies; (7) information concerning a student who is required to register as a sex offender provided under a state sex offender registration and campus community notification program; (8) to organizations conducting studies for or on behalf of the College for purposes of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; and (9) 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, or a contractor, consultant, volunteer, or other party to whom the College has outsourced institutional services or functions. The contractor, consultant, volunteer, or outside service provider may be considered a school official under this paragraph provided that the outside party (1) performs an institutional service or function for which the College would otherwise use employees; (2) is under the direct control of the College with respect to the use and maintenance of education records;

and (3) is subject to FERPA requirements governing the use and re-disclosure of personally identifiable information from education records.

A "school official" may also be 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 education record in order to fulfill his or her professional responsibility.

The College will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom it discloses education records. It will ensure that a school official obtains access to only those education records in which he/she has a legitimate educational interest.

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 20202-5901. This policy is maintained by the Messiah College Registrar and was last amended July 1, 2009.

PARENTAL NOTIFICATION POLICY

Messiah College may elect to notify the parents/guardian of students in the event of serious health concerns such as illness, injury, or hospitalization. As noted above, the College may notify a student's parents or guardians in the event of an emergency when it is deemed to be necessary to protect the health or safety of the student or other persons even if the student is not a dependent for income tax purposes.

Messiah College may also notify parents of students under the age of 21 for disciplinary violations related to alcohol or controlled substances or when a student is suspended or expelled, even if the student is not a dependent for income tax purposes. In disciplinary matters, parents are notified only after students are determined to be responsible for a violation of College rules or standards. In all matters, the context of individual circumstances is considered when deciding whether to contact parents. When possible, students will be given the opportunity and encouraged to discuss the situation with their parents prior to the institution's notification.