

BENEDICTINE UNIVERSITY

Understanding FERPA: Family Educational Rights and Privacy Act

What is FERPA?

The Family Educational Rights and Privacy Act (“FERPA”) is a federal law that protects the privacy and integrity of a student’s education records by generally prohibiting the disclosure of personally identifiable information from education records maintained by the institution, and by granting the student the right to review their education records and to request the addition, correction or deletion of information in their education records. FERPA provides that each student has the right to:

- Inspect and review his or her education records;
- Request that their education records be amended if he or she believes that the records are inaccurate, misleading or otherwise in violation of his or her privacy;
- Provide written consent to disclosures of personally identifiable information contained in the student's education records prior to the University’s disclosure of the information, unless the disclosure is to be made in a situation where FERPA does not require such consent;
- Obtain a copy of the University’s procedures regarding student records in compliance with FERPA; and
- File a complaint with the Family Policy Compliance Office (FPCO) of the U.S. Department of Education if he or she believes that the University has failed to comply with the requirements of FERPA.

Who is protected under FERPA?

FERPA applies to students who are attending or have attended Benedictine University and whose education records are maintained by the University. Attendance may be in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom, and includes the period during which a person is working under a work-study program. FERPA does not apply to persons who are admitted but have not yet attended class, or to those who have applied for but are denied admission to the University.

What are “education records”?

Education records generally include all those records, files, documents and other materials that contain information directly related to the student and are maintained by Benedictine University. However, certain records maintained by the University, including certain student employment records and records created or maintained by the Benedictine University Police Department, are not education records.

How do I access and amend my education records?

Students and former students wishing to inspect their records should make a written request to the Registrar, specifying what records are to be reviewed. The student will be notified when the record(s) are available. If a student believes that any of the education records relating to him or her contain information that is inaccurate, misleading or in violation of his or her rights of privacy, he or she may submit a written request to the Registrar clearly identifying the part of the record the student wants changed and specifically why it is inaccurate or misleading. The University, however, is under no obligation to grant such a request.

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Who has access to education records?

University officials who have a legitimate educational interest in a student's education records may have access to those records. This includes any University faculty or staff employee (including the University Police Department) acting within the scope of his or her University employment and with appropriate supervisory authority; any individual or entity with whom the University has contracted as its agent to provide a service to the University when acting within the scope of the contract or agency and who is subject to appropriate confidentiality requirements; any member of the University's Board of Trustees; any student serving on an official committee, such as a disciplinary or grievance committee; and any student assisting a University official in performing tasks for which the University official may have access.

- The University may disclose information from the student's education records to the student's parents if the student provides a written consent to the disclosure by completing Section A of the [Authorization For Release of Confidential Information to Parents](#), or if the parent requests the information in writing, completes the Parent Certification section of the [Authorization For Release of Confidential Information to Parents](#) and provides evidence that the student is his or her dependent for federal income tax purposes, or if there is a health or safety emergency involving their son or daughter, or if their son or daughter is under the age of 21 and has violated a federal, state or local law or any University rule or policy concerning the use or possession of alcohol or a controlled substance.
- The University also discloses education records without consent upon request from officials of another school in which a student seeks or intends to enroll.

What is "directory information"?

FERPA permits the release of directory information to third parties outside the institution without written consent of the student, provided that the student has been given the opportunity to withhold such disclosure. Benedictine University defines directory information as follows:

- Student's name, address, and phone number
- Major and minor fields of study
- Participation in officially recognized activities and sports
- Dates of attendance, degrees and awards received
- Most recent education institution attended
- Full-time/part-time enrollment status
- Photo

Benedictine University's policy is to not release directory information to outside entities, such as vendors who request student directories with address information. In compliance with the Solomon Amendment, directory information is provided to the United States Department of Defense, upon request.

How do I withhold disclosure of directory information?

Currently enrolled students may withhold disclosure of their directory information by completing the [FERPA Non-Disclosure of Designated Directory Information](#) form available in the Registrar's office, within ten (10) calendar days of the first scheduled class day of each fall term. A request to withhold disclosure of directory information is effective for one academic year only and must be renewed each year.

What is a third party release authorization?

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A student may authorize the release of confidential information (including personally identifiable information from education records protected by FERPA, and other types of confidential information as well) to a third party by signing an [Authorization for Release of Confidential Information to a Third Party](#) form. The form is available in Enrollment Services, the New Student Advising Center or under forms on the Advising Matters Web site at www.ben.edu/advising-center/.

How do I obtain further information on FERPA?

For further information on FERPA, you may contact:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Ave, SW

Washington D.C., 20202-4605

You may also access FERPA regulations online at www.ed.gov/policy/gen/reg/ferpa/index.html.