



## **Administrative: Student Educational Records Privacy (FERPA) Policy**

### **I. Scope**

This policy applies to all faculty, staff, and students of the Seton Hill University (SHU or University) community. As well, the policy applies to any person or entity that is affiliated with the University and seeks to gain access to Student Educational records.

### **II. Purpose**

The University is committed to providing an academically vigorous, safe, and secure environment for all individuals, which includes protecting the rights and the privacy of all students. The Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g, is a federal law that sets forth the rights and protections that every student is entitled to. SHU is devoted to fully complying with FERPA.

This policy has been implemented in accordance with FERPA in order to mitigate risks to the University and to Students potentially affected by the Disclosure of Educational Records. This policy is also meant to serve as a guideline for members of the SHU community to follow and to notify SHU students of their rights in accordance with FERPA and its regulations.

### **III. Definitions**

**A. Personally Identifiable Information:** means any information that contains items such as

- The Student's name;
- The name of the Student's Parents or other family member;
- The address of the Student or Student's family;
- A personal identifier, such as the Student's social security number, Student number, or biometric record.
- Other indirect identifiers, such as the Student's date of birth, place of birth, and mother's maiden name;
- Other information that, alone or in combination, is linked or linkable to a specific Student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the Student with reasonable certainty; or
- Information requested by a person who the University reasonably believes knows the identity of the Student to whom the Educational Record relates.

**B. Student(s):** means any individual who is or has been in attendance at the University and regarding whom the University maintains Educational Records.

**C. Parent(s):** means a parent of a Student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

- D. Disclose or Disclosure:** means to permit access to or the release, transfer, or other communication of personally identifiable information contained in an Educational Record by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.
- E. Educational Record(s):** means any record stored in any medium directly related to a Student maintained by the University or by a party acting for the University.
- Examples of Educational Records, include but are not limited to the following:
    - Official transcripts
    - Financial Aid records
    - Academic files
    - Student Conduct files
    - “Unofficial” files
    - Letters of Recommendation (non-confidential)
    - Electronic records (including email)
  - There are six categories that could be maintained by the University and that are **excluded** from the definition of an Educational Record:
    - 1. Directory Information.**

Information that would not generally be considered harmful or an invasion of privacy if Disclosed is considered Directory Information. As defined by SHU policy, the following 14 categories of information have been designated as Directory Information and can therefore be Disclosed without consent of the Student:

      - Name
      - Mailing and permanent address
      - Telephone numbers
      - E-mail addresses
      - Date of birth
      - Major field of study
      - Classification (e.g., Freshman, Sophomore, Junior, Senior)
      - Participation in officially recognized Student activities and sports
      - Weight and height of members of athletic teams
      - Dates of attendance and anticipated date of graduation
      - Degrees and awards received
      - The most recent previous educational institution and attended by the Student
      - Honors information
      - Student ID Card/MySHU Directory Photo

NOTE: Students may opt to have Directory Information kept confidential by submitting a SHU FERPA Directory Information Opt-Out Form for Students (see Exhibit A) to the Registrar. The Student may not choose which one of the 14 categories can and cannot be Disclosed. If the Student opts-out, none of the



Directory Information will be Disclosed. In accordance with this policy, the failure by any Student to request specifically the withholding of Directory Information indicates approval for Disclosure of such information.

**2. Law Enforcement Records.**

Records created and maintained by SHU Police for law enforcement purposes are not Educational Records under FERPA and therefore may be Disclosed without Student consent.

**3. Sole Possession Records.**

Records created by SHU faculty and/or staff while the Student is not present, are not shared with others, and are only for the personal use of the creator of the record are not Educational Records under FERPA.

**4. Post-enrollment Records.**

Records of information obtained about the Student only after the Student has left SHU are not educational records under FERPA. Notwithstanding, if the information relates back to the time the Student was enrolled at the University, it will still be considered an Educational Record and cannot be released without the written consent of the Student.

**5. Treatment Records.**

Treatment records made or maintained by a SHU health care professional are not Educational Records under FERPA. While Students have no right to personally review treatment records under FERPA, upon receipt of an appropriate executed release, the SHU Wellness Center shall release the Student's treatment records to a physician or other health care professional who may share them with the Student.

**6. Employment Records.**

Records pertaining to the employment of Students when the employment is not related to the status of being a Student (i.e., regular SHU position that anyone can hold such as operational or professional non-faculty positions) are not Educational Records under FERPA. However, records pertaining to student employment (e.g., work-study, graduate assistants) will qualify as Educational Records and will be protected under FERPA.

**IV. General Policy**

Unless required by law, SHU cannot Disclose student "Educational Records" OR "information from educational records" *to anyone other than the student UNLESS* SHU either: (1) first redacts all "Personally Identifiable Information" concerning the student(s) from the records; OR (2) obtains a signed and dated SHU FERPA Student Consent Form from the affected student(s).

## V. Students' Rights

In accordance with FERPA, Students are given the following four (4) basic rights that the University must respect and protect:

### A. The right to consent to the Disclosure of their Educational Records and the information contained in those records.

- Pursuant to FERPA and SHU policy, the consent of the Student must be provided by submitting a fully executed SHU FERPA Student Consent Form (see [Exhibit B](#)) to the Registrar. The form may be obtained from the Office of Financial Services and the Registrar or online on the MySHU page under Forms, Registrar.
- In accordance with FERPA, NCAA, and SHU policy, Student-Athletes are required to execute a Buckley Amendment Consent Form online (MySHU) as part of the annual NCAA Compliance Forms. Pursuant to this form, all Student-Athletes give consent to Disclose only to authorized representatives of the institution, its athletics conference (PSAC), and the NCAA, the following documents:
  - The consent form itself;
  - Results of NCAA drug tests and related information and correspondence;
  - Results of positive drug tests administered by a non-NCAA national or international sports governing body;
  - Any high school, University, or any junior college or other four-year institution attended;
  - Precollege test scores, appropriately related information and correspondence (e.g. testing sites, dates and letters of test-score certification or appeal) and, where applicable, information relating to eligibility for or conduct of nonstandard testing;
  - Graduation status;
  - Race and gender identification;
  - Diagnosis of any education-impacting disabilities;
  - Accommodations provided or approved and other information related to any education-impacting disabilities in all secondary and postsecondary schools;
  - Records concerning financial aid; and
  - Any other papers or information pertaining to NCAA eligibility.

NOTE: The NCAA Buckley Amendment Consent Form does not address the Disclosure of Student-Athlete Educational records to third parties, including other Students and Parents. The general rules of FERPA (and its exemptions) still apply.

### B. The right to inspect and review their Educational Records.

- In accordance with FERPA, Students have the right to inspect and review their own Educational Records. Upon receipt of a properly executed SHU FERPA Student Consent Form, SHU shall give Students access to their Educational

Records within 45 days (absent extenuating circumstances). Additionally, the appropriate SHU designee shall respond to reasonable requests from Students for explanations and interpretations of the Educational Records.

- While FERPA gives Students the right to inspect and review, these rights have certain limitations:
  - The right to inspect and review does not include copies of Educational Records. FERPA provides that copies of the Educational Records need only be given when the failure to do so would effectively prevent the Student from exercising the right to examine the records, e.g., where the student is too far away to commute to campus. SHU policy defines this distance as 50 miles, and reasonable charges for copies may be assessed. (See Registrar's Fee Schedule posted on MySHU page under Documents, Registrar).  
NOTE: SHU may lawfully deny copies if the student has an unpaid financial obligation, or unmet procedural obligation, or if there is an unresolved disciplinary or academic action against the student.
  - If the Educational Record the Student is requesting includes information on another Student, the Student making the request can only have access to the information pertaining to himself or herself.
  - Students do not have the right to inspect the following:
    - The financial records of their Parents. Regardless of whether the document that includes the Parents' financial record is considered a Student's Educational Record, the Parents' financial information shall not be given to the Student and the document must be redacted before granting the Student access to it.
    - Confidential letters and statements of recommendations. If the Student has waived the right to review and inspect those documents and they are related to the Student's admission process or an award recognition, the Student shall not be permitted to have access to these documents. The Student may revoke the waiver in writing. Nonetheless, the revocation will only apply to the documents that are received after the revocation.

#### **C. The right to amend their Educational Records.**

- If a Student believes that his or her Educational Record contains inaccurate or misleading information or information that violates the Student's right to privacy, the Student may request that the University amend the Educational Record.
- The Student must request amendment from the custodian of the record in question. If the custodian declines, a hearing will be scheduled. If the hearing officer agrees with the Student, the University shall amend the record and notify the Student in writing. In the case that the hearing officer declines to grant the amendment, the Student has the right to place a statement in the record explaining his or her disagreement with the challenged information.

#### **D. The right to file a complaint for any FERPA violation.**



If a Student believes that a FERPA violation has occurred, the Student should contact the Registrar. Once the complaint is received, the Registrar will investigate the complaint, and in consultation with the Office of the General Counsel, ensure that if there has been a violation it is addressed promptly and notify the Student of its findings.

University Registrar  
Administration Building 104  
724-830-1010  
[helpfinreg@setonhill.edu](mailto:helpfinreg@setonhill.edu)

If the Student disagrees with the findings of the Registrar, the Student may submit in writing a formal complaint to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202.

## **VI. Parents' Rights**

- FERPA expressly states that when a Student reaches the age of 18, or is attending an institution of post-secondary education, the rights of access to Student Educational Records “transfer from the Parents to the Students.” Parental rights are terminated unless the Parent(s) either provides an executed SHU FERPA Student Consent Form from the child, or submits proof that they claimed the Student as dependent in their most recent tax return.
- Disclosure, while not mandatory, is permitted to Parents regarding the Student’s violation of any federal, state, or local law, or SHU rule or policy governing the use or possession of alcohol or a controlled substance. If Parents are divorced or separated, both Parents will be given access unless SHU has been provided with evidence that there is a court order or other legally binding document (such as a divorce decree or separation agreement) that specifically revokes these rights.

## **VII. Disclosure of Educational Records Without Consent**

In general, the University may Disclose Educational Records without the Student’s consent only if it first redacts all Personally Identifiable Information or if one of the following FERPA exemptions apply:

### **A. Qualified SHU Officials**

Qualified SHU Officials means a person employed by SHU in an administrative, supervisory, academic, research, or support staff position, or a person under contract with SHU to perform a specific task or service in relation to Student. The Qualified SHU Official must have a Legitimate Educational Interest in order to gain access to the Educational Record. When determining whether a Legitimate Educational Interest exists we look at whether the official is:

- Performing a task that is specified in the official’s position description or by a contract;
- Performing a task that is related to a Student’s education; or



- Performing a task related to the processing of a disciplinary charge involving the Student.

NOTE: SHU will use reasonable methods to ensure that officials will only be able to obtain access to those Educational Records in which they have a Legitimate Educational Interest.

#### **B. Other School Officials**

SHU is permitted under FERPA to Disclose Educational Records to officials of another school or university where the Student seeks or intends to enroll, is already enrolled, or has been enrolled. The Disclosure must be related to the Student's enrollment or transfer.

#### **C. Other Circumstances**

While most Disclosure will involve some type of Legitimate Educational Interest, SHU may Disclose Educational Records or information from Educational Records in the following circumstances:

##### **1. In response to a health or safe emergency**

The Disclosure must be necessary and limited to only the information needed to address the health or safety emergency. SHU will at its discretion determine what situations constitute emergencies and will also determine what parties need access to the information and which information from the Educational Record is necessary.

##### **2. In response to a judicial order or lawfully issued subpoena, or as required by law**

The University's Office of the General Counsel will make a reasonable effort to notify the Student of the order or subpoena in advance of compliance. However, SHU obligations are limited to notifying the Student. SHU is not required to defend against the order or subpoena on the Student's behalf. If the law requires the disclosure of records as a part of a University process, such as in the Title IX Sexual Harassment process, such records will be shared. There are two occasions where SHU may not give notice to the Student:

- In the case of a grand jury: if the court or issuing agency has ordered that the existence or contents of the subpoena or information furnished in response not be Disclosed, SHU will not give notice to the Student.
- *Ex parte* court order: SHU will not give notice to the Student if the order is obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigation or prosecution of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or intentional terrorism as defined in 18 U.S.C. 2331.

##### **3. The Disclosure is to a court in the context of a lawsuit between the Student and SHU.**

The Disclosure will be limited to that information which is relevant to the lawsuit.

4. **The Disclosure is to a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense and consists only of the final results of a SHU disciplinary proceeding in connection with the alleged crime or offense.**  
Under FERPA, SHU can make such Disclosure regardless of the outcome of the proceedings.

NOTE: The term final results is limited to the name of the Student, the basic nature of the violation the Student was found to have committed, and a description and the duration of any sanction SHU has imposed against the Student.

5. **The Disclosure concerns sex offenders and other individuals who are required to register under the Violent Crime Control and Law Enforcement Act of 1996, 42 U.S.C. 14071, and the information was provided to SHU under 42 U.S.C. 14071 and applicable federal guidelines.**

### **VIII. FERPA Notice and Publication**

SHU Students will be notified every semester of their FERPA rights via email. This FERPA Policy will also be published with University Policies.

### **IX. Confidentiality Agreements**

In accordance with FERPA, all SHU employees with potential access to Educational Records shall be required to execute a SHU FERPA Employee Confidentiality Agreement which shall become part of the employee's personnel file. The Agreement is an online form that can be accessed from MySHU via the following link:

<http://grif.ly/FERPA>.

NOTE: This is a MANDATORY Agreement that must be submitted online within five (5) days of completing the FERPA training. Failure to comply may result in the loss of access to MySHU.

### **X. Resources**

For additional information about FERPA or to have a specific question about FERPA or this policy answered, please refer to any of the following resources:

#### **A. University Registrar**

Administration Building 104

724-830-1010

[helpfinreg@setonhill.edu](mailto:helpfinreg@setonhill.edu)

#### **B. Office of the General Counsel**

FERPA FAQ's Document (MySHU page under Documents, Compliance)

#### **C. Department of Education FERPA FAQ's**

<http://familypolicy.ed.gov/faq-page>





**XI. Questions and Interpretation**

All questions concerning this policy should be directed to the Policy Administrator/Owner at [policies@setonhill.edu](mailto:policies@setonhill.edu).



**Exhibit A**

**FERPA Directory Information Opt-Out Form for Students**

In accordance with the Seton Hill University (SHU) FERPA Policy\*, SHU has designated the following categories as “Directory Information” that may be released without a Student’s consent to any third party, except as required by law unless the Student “opts-out” by making the designation online during the initial enrollment process or returning this completed form to the University Registrar.

1. Name
2. Mailing and permanent address
3. Telephone numbers
4. E-mail addresses
5. Date of birth
6. Major field of study
7. Classification (e.g., Freshman, Sophomore, Junior, Senior)
8. Participation in officially recognized Student activities and sports
9. Weight and height of members of athletic teams
10. Dates of attendance and anticipated date of graduation
11. Degrees and awards received
12. The most recent previous educational institution and attended by the Student
13. Honors information
14. Student ID Card/MySHU Directory Photo

I, \_\_\_\_\_, a current SHU student, exercise my right to privacy and opt-out of the release of **all of the foregoing categories** of Directory Information to any third party without my prior written consent, except as required by law.

**I understand that this Opt-Out Form will remain in effect until I provide written notice that I wish for my Directory Information to be released.**

Student’s Signature \_\_\_\_\_  
Date \_\_\_\_\_  
Student ID # \_\_\_\_\_

*\* For the complete Student Educational Records Privacy Policy (FERPA Policy), please see the University Policies.*

---

Official Registrar Use Only:  
Received By: \_\_\_\_\_ Date Received: \_\_\_\_\_ Date Entered: \_\_\_\_\_



**Exhibit B**

**FERPA Student Consent Form**

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a Federal law that protects the privacy of student Educational Records created or maintained by a school that receives Federal funds. Students who attend Seton Hill University (SHU) retain the right of privacy in their Educational Records. In accordance with SHU's FERPA Policy (published with other University Policies), SHU may provide access to a Student's Educational Records to a third party if the student provides written consent using this form. A "Qualified Parent" may receive access upon student execution of this form or with a copy of the parent's most recent IRS 1040 form if the parent claimed the student as a dependent.

I, \_\_\_\_\_ am/was a student at SHU and I hereby give my voluntary consent for SHU officials to Disclose the following Educational Record(s): [Specifically describe the record(s) to be Disclosed, e.g. "all records in \_\_\_\_\_ office," "student conduct records," "transcripts," etc.]

---

---

The Disclosure of the record(s) listed above may be made to: \_\_\_\_\_.  
[Specifically state the name of the person or entity to receive the record(s)]. The purpose of this Disclosure is \_\_\_\_\_.

This consent shall be effective until revoked. **I understand I may revoke this consent at any time by providing a written revocation to the SHU Registrar's Office.**

Name during enrollment: \_\_\_\_\_ Student ID#: \_\_\_\_\_

Student's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please return completed form to the University Registrar, 1 Seton Hill Drive, Greenburg, PA 15601.  
Email: [helpfinreg@setonhill.edu](mailto:helpfinreg@setonhill.edu)