



FERPA NOTIFICATION OF RIGHTS

Office of the Registrar

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CONTENTS OF THIS NOTICE

Below are the sections contained in this notice. To jump to a section, click on the appropriate link below. To return to this list, click on the section heading:

- A. [Rights under FERPA for Postsecondary Institutions](#)
- B. [List of Disclosures without Consent](#)
- C. [Update from the U.S. Department of Education](#)
- D. [Additional Information](#)

A. RIGHTS UNDER FERPA FOR POSTSECONDARY INSTITUTIONS

Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) These rights include:

1. **The right to inspect and review the student’s education records** within 45 days after the day the University receives a request for access. A student should submit to the Registrar, Dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. **The right to request the amendment of the student’s education records** that the student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

A student who wishes to ask the University to amend a record should write the Office of the Registrar, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student’s right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. **The right to provide written consent before the University discloses personally identifiable information (PII) from the student’s education records**, except to the extent that FERPA authorizes disclosure without consent.

The University discloses education records *without* a student’s prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests.

A school official typically includes a *person employed* by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee.

A school official also may include a *volunteer or contractor outside* of the University who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks.

A school official typically has a *legitimate educational interest* if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.

Upon request, the University also discloses education records without consent to officials of *another school* in which a student seeks or intends to enroll.

4. **The right to file a complaint with the U.S. Department of Education** concerning alleged failures by the University to comply with the requirements of FERPA. The office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

B. LIST OF DISCLOSURES WITHOUT CONSENT

See the list below of the disclosures that postsecondary institutions may make without consent.

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student —

- To *other* school officials, including teachers, within the University whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of *another* school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To *authorized representatives* of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with *financial aid* for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations *conducting studies* for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To *accrediting* organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a *dependent* for IRS tax purposes. (§ 99.31(a)(8))
- To *comply* with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
- To appropriate officials in connection with a *health or safety emergency*, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "*directory information*" under § 99.37. (§ 99.31(a)(11))
- To a *victim* of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
- To the *general public*, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))
- To *parents* of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

C. UPDATE FROM THE US DEPARTMENT OF EDUCATION

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expanded the circumstances under which a student's education records and PII contained in such records – including Social Security Number, grades, or other private information – may be accessed without the student's consent.

- First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities (“Federal and State Authorities”) may allow access to student records and PII without consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is “principally engaged in the provision of education,” such as early childhood education and job training, as well as any program that is administered by an education agency or institution.
- Second, Federal and State Authorities may allow access to a student's education records and PII without the student's consent to researchers performing certain types of studies, in certain cases even when the University objects to or does not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive PII, but the Authorities need not maintain direct control over such entities.
- In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without the student's consent PII from education records, and they may track participation in education and other programs by linking such PII to other personal information about the student that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

D. ADDITIONAL INFORMATION

Questions about these policies and procedures may be directed to the Office of the Registrar at clambert@rvu.edu.

Request forms and additional information are available on the Rocky Vista University iNet > RVU Students iNet > Forms > Office of the Registrar. The following is the direct link, and the user must be logged in: <https://inet.rvu.edu/home/forms-2/>.