

Annual Notification of Students Rights Under the Family Education Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. An eligible student under FERPA is defined as a student who is 18 years of age or older, OR who attends the University. Attending students become eligible the first day of the semester in which they are enrolled.

1. Students have the right to inspect and review their education records within 45 days of the day Mount St. Joseph University receives a request for access. Students should submit to the Registrar's Office written requests that identify the record(s) they wish to inspect. The Registrar 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 Registrar's Office, the student shall be advised of the correct official to whom the request should be addressed. If the student does not live within reasonable commuting distance from the University and wishes to inspect their records, the student must provide this information with the request, and the University official will make arrangements to provide copies of the education record(s) by mail. The student may be charged a fee for producing copies of the education record(s).

In general, an education record is any record which contains information that is personally identifiable to a student, and is maintained by the University or by a party or organization acting on behalf of the school. Education records may include: written and printed documents; electronic media; magnetic tape (microfilm and microfiche); film, diskette or CD's; video or audio tapes. This includes transcripts or other records obtained from a school in which a student was previously enrolled. The following exemptions are **not** part of the education record or subject to this Act:

- i. Personal records maintained by University staff/faculty if kept in the sole possessions of that individual, and the information is not accessible or revealed to any other person, e.g. faculty grade book, advising file.
 - ii. Employment records not contingent on the student's enrollment. (Therefore, student worker records, evaluations and files are part of a student's education record.)
 - iii. Law enforcement records that are created by a law enforcement agency for that purpose.
 - iv. Medical and psychological records used solely for treatment and made or maintained by a physician, psychologist, psychiatrist, or other recognized professional or paraprofessional acting in their professional capacity or assisting in a paraprofessional capacity.
 - v. Alumni records containing information relating to a person after that person is no longer a student at the University.
2. Students have the right to request the University amend an education record that the student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the school to amend a record should write the school official responsible for the record, 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 by the student, 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. Students have the right to provide written consent before the University discloses personally identifiable information (PII) from the student's record, except to the extent that FERPA authorizes disclosure of directory information without consent. The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with a legitimate educational interest:
 - A school official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, collection agent, degree conferral agent, document managing agent, and placement sites for internship, clinical, or similar student work/study opportunities); a person serving on the Board of Trustees; a student serving on an official committee, such as a disciplinary or grievance committee, and volunteers or other outside parties to whom the University has outsourced institutional services or functions that it would otherwise use employees to perform. 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 responsibilities for the University.
 - As allowed within FERPA guidelines, the University may disclose education records without consent to officials of another school, upon request, in which a student seeks or intends to enroll.
 - The University may disclose without a student's prior written consent under FERPA exceptions for judicial orders and subpoenas; information in accordance with the Patriot Act, Clery Act and the Campus Sex Crimes Prevention Act; and to appropriate parties in connection with an emergency or if the information is necessary to protect the health or safety of the student or other individuals.
4. The student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by Mount St. Joseph University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-4605.
5. At its discretion, the University may provide Directory Information in accordance with the provisions of the Family Education Rights and Privacy Act. Directory Information is defined as that information which would not generally be considered harmful or invasive of privacy if disclosed. Designed Directory Information for the University includes the following:
 - Student Name
 - Address(es) (local, home, and email)
 - Telephone (local and home)
 - Date and place of birth
 - Photograph

- Student classification (year in school)
- Program of study
- Major(s) and minor(s)
- Academic advisor
- Inclusive dates of enrollment
- Enrollment status (undergraduate or graduate programs, full-time or part-time)
- Degrees earned
- Awards received including academic honors
- Most recent previous educational agency or institution attended
- Participation in officially recognized activities and sports
- Weight and height of athletic team members

Students may withhold Directory Information by notifying the Registrar in writing within the first two weeks of the academic semester the request is to become effective. A request form to withhold Directory Information is available in the Registrar's Office. The University assumes no liability for honoring a student's withholding of information.

6. As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and personally identifiable information (PII) contained in such records — including your Social Security Number, grades, or other private information — may be accessed without your 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 your records and PII without your 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 your education records and PII without your consent to researchers performing certain types of studies, in certain cases even when we object to or do 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 your 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 your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you 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.

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