

OFFICE OF THE REGISTRAR

THE DEFIANCE COLLEGE



FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) CAMPUS NOTIFICATION

Students:

I want to take this opportunity to give you a brief summary of your rights under the Family Educational Rights and Privacy Act (FERPA), the federal law that governs release of, and access to, student education records.

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 a student who is 18 years of age or older or who is attends a postsecondary institution.) These rights include:

1. **The right to review and inspect his or her own education records.** An eligible student has the right to inspect and review the student’s education records within 45 days after the day Defiance College (the “college”) receives a request for access. A student should submit a written request to the Registrar that identifies the record(s) the student wishes 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, he/she shall advise the student of the correct records custodian to whom the request should be addressed.
2. **The right to request an amendment of the 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 college to amend a record should write the Registrar, clearly identify the part of the record the student wants changed, and specify why it should be changed. The college will, within a reasonable time after receiving the request, decide whether to amend the record as requested. If the college decides not to amend the record as requested, the college will notify the student in writing of the decision and the student’s right to a hearing regarding the request for amendment. Additional information will be provided to the student when notified of the right to a hearing.
3. **The right to provide written consent before Defiance College discloses personally identifiable information (PII) from the student’s educational records, except to the extent that FERPA authorizes disclosure without consent.** An eligible student has 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 college may, and from time to time does, disclose education records without a student’s prior written consent when authorized by FERPA, including to college officials whom the university has determined to have legitimate educational interests. 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 college. Defiance College defines “college officials” and “legitimate educational interests” as follows:

- a. “College officials” include

- i. Persons employed by Defiance College in an administrative, supervisory, academic, research, or clerical or support staff position (including but not limited to law enforcement unit personnel, attorneys, counselors, and health staff);
 - ii. Persons serving on the board of trustees; or
 - iii. Persons (including students) serving on an official university committee, such as a disciplinary or grievance committee.
 - b. A college official also may include a volunteer, contractor, consultant or other party outside of Defiance College
 - i. Who performs an institutional service or function for which the university would otherwise use its own employees,
 - ii. Who is under the direct control of the university with respect to the use and maintenance of education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another university official in performing his or her tasks, and
 - iii. Who is subject to the obligation not to disclose PII from any education record without the prior written consent of the student.
 - c. “Legitimate educational interests” include performing a task or engaging in an activity related to
 - i. One’s regular duties or professional responsibilities,
 - ii. A student’s education,
 - iii. The discipline of a student,
 - iv. A service to or benefit for a student,
 - v. Measures to support student success, and
 - vi. The safety and security of the campus.
4. **The right to file a complaint.** An eligible student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by Defiance College 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

When does FERPA permit disclosure of personally identifiable information (PII) without student 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 college officials (as defined above), 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.

The college may disclose PII from the education records without obtaining prior written consent of an eligible student

- To other college officials whom the college has determined to have legitimate educational interests, as described above under paragraph 3. This includes contractors, consultants, volunteers, or other parties to whom the university has outsourced institutional services or functions, provided that certain conditions are met.
 (§ 99.31(a)(1))
- To officials of another university 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 certain state and local officials or authorities when authorized by state statute in certain cases. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the university, 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))
- When it is information the university 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 university 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 university'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 university, governing the use or possession of alcohol or a controlled substance if the university determines the student committed a disciplinary violation and the student is under the age of 21. (§ 99.31(a)(15))
- The disclosure concerns sex offenders and other individuals required to register under section 17010 of the Violent Crime Control and Law Enforcement Act of 1994.

Any police inquiries not covered above will be directed to the Office of Student Life.

Solomon Amendment

The Solomon Amendment (10 U.S.C. § 983) is a federal law that allows military recruiters to access some address, biographical and academic program information on students age 17 or older who have not filed any FERPA restrictions. As such, Defiance College may disclose directory information to military recruiters in compliance with the Amendment. The U.S. Department of Education has determined the Amendment supersedes most elements of FERPA. An institution is therefore obligated to release data which may or may not match our FERPA directory information described below under "Directory Information."

Defiance College will disclose the following information in compliance with an authorized Solomon request: Name, address, age and date of birth, class standing, degree sought, email, major, and phone number. A student's age, date of birth and major are not defined by Defiance College as Directory Information under the list below, but are required to be disclosed to military recruiters under the Solomon Amendment. Students who have requested a

restriction of their directory information as described below under “Request to Restrict Directory Information” will not have their information disclosed to recruiters.

Authorized individuals from the following branches are permitted to request information:

- Army: Army, Army Reserve, Army National Guard
- Navy: Navy, Navy Reserve
- Marine Corps: Marine Corps, Marine Corps Reserve
- Air Force: Air Force, Air Force Reserve, Air Force National Guard
- Coast Guard: Coast Guard, Coast Guard Reserve

Authorized individuals from the military branches listed above may request information on students once per semester and must do so in writing to the Registrar’s Office, clearly indicating which branch they represent and whether they are requesting information from the current or previous semester.

Directory Information

Institutions may disclose a student’s “Directory Information” without their consent, and without violating FERPA if the student has not restricted their personal information. Defiance College considers the following to be “Directory Information”:

- Name
- Email address
- Address (local & home)
- Telephone number (any listed)
- Curriculum
- Enrollment status & credit hours
- Dates of attendance
- Class rank classification
- Receipt or non-receipt of degree
- Academic awards received (dean’s list, honors students)
- Participation in officially recognized activities
- Sports photograph(s)
- Position, weight, height in athletics

Request to Restrict Directory Information

While attending Defiance College, students may request to restrict the release of their Directory Information except to university officials with a legitimate educational interest as outlined above. This request will also restrict information shared with military recruiters as described in the Solomon Amendment section above. In order to restrict all information, a signed and dated request must be made in writing to the Registrar’s Office, Serrick Campus Center 204. A form is also available in the Registrar’s Office. Should the student graduate or otherwise leave the university, this restriction will remain in place until the student requests for it to be removed.

Once a student’s record has been made confidential, no information can be shared about the individual without the student’s written consent. In such a case, problems may occur thereafter when potential employers or other parties make inquiries about the student. Any questions about this policy should be referred to the Registrar’s Office at registrar@defiance.edu.

Sincerely,

Steven Borawski
Defiance College Registrar