

# FERPA

## The Family Educational Rights and Privacy Act

For purposes of this statement, students will include only those individuals who are or have been enrolled in the Master of Divinity (MDiv), or the Master of Arts in Religious Leadership for Social Change (MASC) degrees, the certificate programs in Unitarian Universalist Studies, Multireligious Studies or The Chaplaincy Institute (ChI) Certificate of Interfaith Studies program. Students will also include SKSM special student (i.e. SKSM Online, unclassified student). Common M.A. students are governed by the policies of their school of affiliation.

The term “student” includes an individual who has been admitted to and has enrolled in or registered with Starr King School for the Ministry, as defined above. The term “student” does not include an individual who has not been in attendance at Starr King School for the Ministry. An individual who is or has been enrolled in one institution, who applies for admission to a second institution, has no right to inspect the records accumulated for the second institution until enrolled therein.

The Family Educational Rights and Privacy Act of 1974, as amended, is a Federal law which states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of student education records.

FERPA defines an Education Record as **certain** ~~a range of~~ information about a student that is maintained in any recorded way, such as handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. Examples of a student Education Record for a Starr King School for the Ministry student include the following:

- Grades, courses taken, and official letters regarding a student’s status in school, academic evaluations, transcripts, advising records;
- Disciplinary records;
- Financial aid records;
- Medical and health records that the school may collect;
- Student’s identification number, social security number.

Starr King School for the Ministry accords all the rights under the law to students who are declared independent. No one outside the institution shall have access to nor will the institution disclose any information from students’ education records without the written consent of students except to personnel within the institution, to officials of other institutions in which students seek to enroll, to persons or organizations providing students financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health or safety of students or other persons **or in other special situations that SKSM determines to be allowed by law**. All these exceptions are permitted under the Act.

Within Starr King School for the Ministry’s community, only those members, individually or collectively, acting **for SKSM’s purposes** ~~in the students’ educational interest~~ are allowed access to student education records. These members include personnel in the President’s Office, the Provosts Office, the Dean’s Office (including the Acting Dean of Students and Community Life, and Dean of Faculty’s Office), the Registrar’s Office, Admissions Office and the Student Accounts Office, ~~and~~ academic personnel within the limitations of their need to know, **and legal counsel**.

At its discretion and in accordance with the provisions of the Act, SKSM may provide Public Information to strengthen student education, community and support (see definition of Public Information). Students may withhold their Public Information by notifying the SKSM Registrar in

writing by the final date of late registration for Fall semester, or by the final date of late registration for Spring semester for those who matriculate during the Spring semester.

Request for non-disclosure of a current student's Public Information will be honored by the Institution for only one academic year; therefore authorization to withhold Public Information must be filed annually in the Registrar's Office by the final date of late registration for Fall semester. All students, including those students who initially matriculated and submitted their non-disclosure request in the Spring, will be required to renew their annual non-disclosure request in writing each subsequent fall.

The law provides students with the right to inspect and review information contained in their education records, to challenge the contents of their education records, to have a hearing if they are dissatisfied with the outcome of the challenge, and to submit explanatory statements for inclusion in their files if they are dissatisfied with the decisions of the hearing panels. The Registrar at Starr King School for the Ministry has been designated by the institution to coordinate the inspection and review procedures for student education records, as outlined under education record. Students wishing to review their education records must make a written request to the Registrar, listing the item or items of interest. Only records covered by the Act will be made available within forty-five days of the request. Students may have copies made of their records with certain exceptions (e.g., a copy of the academic record for which a financial "hold" exists, prohibiting its release, or a transcript of an original or source document from another institution). Transcripts are available for a charge of \$5.00 per copy. Student education records **do not include** records of instructional, administrative, and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute for the person who made the record; do not include employment records; and do not include alumni records.

Students **may not** inspect and review the following as outlined by the Act: confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which case the institution will permit access **only** to that part of the record which pertains to the inquiring student. The institution is **not** required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights may discuss their problems informally with the Registrar who may then consult with the Acting Dean of Students and Community Life if necessary. If the staff decisions are in agreement with the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended; and he/she will be informed by the Acting Dean of Students and Community Life of his/her right to a formal hearing. Student requests for a formal hearing must be made in writing to the Acting Dean who, within a reasonable period of time after receiving such a request, will inform the student of the date, place, and time of the hearing. The student may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of his/her choice, including attorneys, at the student's expense. The hearing panels which will adjudicate such challenges will be appointed by and chaired by the Acting Dean of Students and Community Life. The hearing panel will consult with legal counsel as appropriate.

Decisions of the hearing panel will be final, will be based ~~solely~~ on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with the decisions of the hearing panel, if the decisions are in favor of the student. If the decisions are unsatisfactory to the student, the student may place with the education records statements commenting on the information in the records, or statements setting forth any reasons for disagreeing with the decisions of the hearing panel. The statements will be placed in the

education records, maintained as part of the student's records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges were unfair or not in keeping with the provisions of the Act may file a complaint, in writing, with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-4605.

## Definition of Terms SKSM FERPA Policy

### **Student**

The term "student" includes an individual who has been admitted to and has enrolled in or registered with the Master of Divinity (MDiv), or the Master of Arts in Religious Leadership for Social Change (MASC) degrees, the certificate programs in Unitarian Universalist Studies, Multireligious Studies or The Chaplaincy Institute (ChI) Certificate of Interfaith Studies program. Students will also include SKSM special student (i.e. SKSM Online, unclassified student) at Starr King School for the Ministry.

The term "student" does not include an individual who has not been in attendance at Starr King School for the Ministry. An individual who is or has been enrolled in one institution, who applies for admission to a second institution, has no right to inspect the records accumulated for the second institution until enrolled therein.

### **Student Education Records**

Student education records mean those records which are directly related to a student and maintained by the institution or by a party acting for the institution.

The term "student education records" does **not** include:

- a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:
  1. are in the sole possession of the maker thereof; and
  2. are not accessible or revealed to any other individual, except to an individual who performs on a temporary basis the duties of the individual who made the record.
- b. Records relating to an individual who is employed by Starr King School for the Ministry which:
  1. are made and maintained in the normal course of business;
  2. relate exclusively to the individual in that individual's capacity as an employee;
  3. are not available for any other purpose.

The above paragraph does not apply to records relating to an individual who is employed in an educationally related position as a result of his or her status as a student (e.g. work-study).

- c. Records which contain only information relating to a person after that person is no longer a student, such as information pertaining to alumni.

### **Public/Directory Information**

The term "public information" as used in the SKSM FERPA policy is synonymous with the term "directory information" in the Federal Family Educational Rights and Privacy Act of 1974 and the State of California Education Code.

The term “public information” shall be limited to student’s name, address, email address, telephone number, date of birth, place of birth, area of study, dates of attendance, degrees, scholarships and honors, school of affiliation.

Category:

- Registrar

Revisions and clarifications will be published as experience warrants.