

# **Privacy of Student Records – Family Educational Rights and Privacy Act of 1974**

## **Confidentiality of Student Records**

To comply with federal regulations, Daoist Traditions has adopted institutional policies and procedures to be followed concerning disclosure of information from the education records of current and former students. The student record policy of Daoist Traditions conforms to the Family Educational Rights and Privacy Act of 1974 (Public Law 93-380). Education records are in the custody of the Registrar. A student's academic transcript is permanently maintained. Other documents are retained according to administrative policies.

Copies of the student's official Daoist Traditions transcript are released only on the written request of the student, and only after all obligations to the college, financial and otherwise, have been fulfilled. Transcripts received from other schools are the property of the college and are not copied or released.

Grades cannot be released to parents or guardians without written permission from the student. The college does not permit access to or the release of education records without the written consent of the student except when required. Students are encouraged to review the policy and understand what is considered directory information as defined at Daoist Traditions.

Students not wanting their directory information released may file a Directory Restriction form with the Registrar's Office within the first 2 weeks of a semester. The Directory Restriction form restricts all information on a student. For example, the college, if contacted, cannot acknowledge whether or not a student is enrolled nor can it include the student on graduation lists. Students may revoke the restriction at any time by submitting a written request to the Registrar's Office.

Students wishing to release non-directory information to parents or other specified individuals may file a FERPA Release form with Registrar's Office indicating what information may be released and to whom. Students must sign the form in the presence of a Daoist Traditions staff member or, if mailing it in, have the form notarized. Forms will not be accepted if they:

- Are not filled out completely
- Are not notarized if signed outside the presence of a DT staff member

## **Release of Student Information**

### **I. Directory Information**

Directory Information is information not generally considered harmful or an invasion of privacy if

disclosed. Unless a student requests in writing to the contrary, federal law permits the college to release the following directory information to the public without the student's consent:

- Name, date, and place of birth
- Program of study
- Dates of attendance
- Anticipated date of graduation
- Degrees and awards received (including scholarships)
- Participation in officially recognized activities
- Most recent previous educational agency or institution attended

*\*Please note: Students who do not wish their directory information be released outside the college must provide written notice to the Registrar's Office. If a student has a directory restriction placed on their record it is all-inclusive (cannot restrict information just from certain individuals); it applies only to directory information and it must be made by a currently enrolled student. A directory restriction remains in effect until the student requests that it be removed.*

### **Daoist Traditions College's Privacy Policy**

Allows access by members of the DT community for official on-campus use only to the following information:

- Current and permanent addresses
- Telephone listings
- E-mail addresses
- Photograph directory
- Class schedule
- Listing on class roster

### **II. Non-directory Information:**

There are circumstances in which non-directory information may be released and prior consent is not required. These include:

- To a school official with an educational interest or a legitimate need to know (School official is defined as an individual or group providing services or carry out responsibilities on behalf of the institution.)
- When it is required by law or ordered by a court
- For Financial Aid purposes a health or safety emergency
- To parents (in cases of financial dependency or substance abuse)
- Disciplinary (alleged victim of a crime of violence any results, final results if violation determined, and release to parents for underage drinking/substance abuse violation)

## **Student Rights under FERPA**

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, guarantees certain rights for students and eligible parents regarding access to, confidentiality of, and correction of the student's education records. The following are the policies at Daoist Traditions relative to the enforcement of those rights.

### **A. Primary Rights under FERPA include:**

FERPA affords students certain rights concerning their education records. These rights include:

- 1.** The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. Students should submit written requests to the Registrar that identify the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the record(s) may be inspected. If the record(s) are not maintained by the College 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 an amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask the college to amend a record that they believe is inaccurate or misleading. They should write the college official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and advise the student of his or her 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 consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. However, FERPA allows schools to disclose records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - school officials with legitimate educational interest (see definitions below)
  - other schools to which a student is transferring
  - specified officials for audit or evaluation purposes
  - appropriate parties in connection with financial aid to a student
  - organizations conducting certain studies for or on behalf of the school
  - accrediting organizations
  - to comply with a judicial order or lawfully issued subpoena
  - appropriate officials in cases of health and safety emergencies.
- 4.** The right to file a complaint with the U.S. Department of Education concerning alleged failures by Daoist Traditions to comply with the requirements of FERPA. The name and the address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue SW, Washington DC 20202-460.

*\*School Official: To be considered a “school official”, an agency or institution must be able to show that a non-employee or other outside party is providing an institutional service or function that the agency or institution would otherwise use employees to perform. The institution must also show that the outside party would have a legitimate educational interest in the information disclosed if employees performed the service. Finally, the institution must be able to show that the outside party, in providing these services, is doing so under the direct control of the institution with respect to the use and maintenance of information from education records, including compliance with the requirements prohibiting re-disclosure of the information to any other party without prior written consent except as authorized under FERPA.*

#### **B. Definition of Educational Records:**

Educational Records are records which contain information directly related to a student in any medium (i.e. handwritten, print, tapes, emails, faxes, etc) and are maintained by an educational agency or institution or by a party acting for the agency or institution. The following are NOT “educational records”:

- Sole possession records kept by a college employee and not accessible or revealed to other persons except for a temporary substitute for the maker of the record
- Law Enforcement records maintained by campus security officer
- Employment records as long as employment is not contingent on the fact that the individual is a student and provided the record is only used with the individual’s employment.
- Medical records made or maintained by a recognized health professional such as a physician, psychiatrist, psychologist or other recognized health professional if the records are used only for the treatment of the student and released only to those persons providing treatment.
- Alumni Records which contain information about a student after the student is no longer in attendance at the college and which do not relate to the person while he/she was a student.

#### **C. Students wishing to inspect their records must:**

Submit a written request specifying the record(s) he/she wishes to inspect to the Registrar’s Office.

Students will be contacted by the Registrar’s Office via the student’s official DT email account to schedule an appointment to review the records as promptly as possible. Access must be provided within 45 days of receipt of the written request.

The student or qualifying parent is required to review the records in the presence of a staff member from the Registrar’s Office. No copies of any documents or transcripts will be provided or allowed to be taken from the record. A student or qualifying parent who lives outside a

commuting distance of 100 miles may request special permission for arrangements to be made to allow access to that student's record.

#### **D. Parents of Dependent Students**

Under FERPA, a post-secondary institution may disclose education records to parents of dependent students without consent. If a student is claimed as a dependent by either parent for tax purposes, then either parent may be given access under this provision regardless of the age of the student. However, to make the dependency determination, a school has the right to ask the parent to provide a copy of the most recent Federal income tax return showing the dependency.

#### **E. Right of the College to Refuse Access**

The college reserves the right to refuse to permit a student or third party, even with the student's written consent, to inspect the following records:

- Financial statements of the student's parents.
- Letters or statements of recommendation for which the student has waived the right of access
- Those records which are excluded from the FERPA definition of education records if such records do not fall within the definition of "public records" under Chapter 132 of the NC General Statutes and records for which there is no other legal right of access under federal or state law.

#### **F. Right of Refusal to Provide Copies**

The college reserves the right to deny transcripts or copies of records not otherwise required to be made available by FERPA in any of the following situations:

- The student or qualified parent lives within commuting distance (presumed to be within 100 miles) of the college.
- The student has unpaid financial obligations to the college.
- There are unresolved disciplinary actions against the student.
- There is unresolved academic action against the student