

SNOW COLLEGE'S POLICY ON THE CONFIDENTIALITY OF RECORDS

CONFIDENTIALITY OF RECORDS

Snow College's policy concerning the confidentiality of a student's record seeks to balance three principles. First, Snow College seeks to protect students' privacy while helping to secure the benefits of higher education for its students. Snow College believes that students can rightfully expect the College to safeguard the personal information students give it. Students can expect Snow College to abide by a strict set of standards as to who will have access to those records.

Second, Snow College strives to protect its students and surrounding community. Accidents and emergencies occur. Snow College will promote individual, campus, and community safety and respond to emergencies with the utmost prudence.

Third, Snow College's policy also reflects the College's efforts to comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Federal and State law create obligations and restrictions on how Snow College handles students records.

Rights to a Confidential & Accurate Record.

Snow College and FERPA afford students attending Snow College certain rights with respect to their education records. These rights include:

1. *The Right to Inspect.* Each student has the right to inspect and review the student's education records within 45 days of making a request to the appropriate office at Snow College. A student should submit to the registrar, dean, head of the academic division, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. If the records are not maintained by the school official to whom the request was submitted, that official will advise the student of the correct official to whom the request should be submitted. Once notified, the appropriate school official will make arrangements for access and notify the student of the time and place where the records may be inspected.
2. *The Right to Request Amendment to Student's Record.* Each student has the right to request an amendment to the student's education records for information the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under Snow College's confidentiality policy or 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 school decides not to amend the record as requested, the school 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 a Confidential Record.* A student's education record is confidential. The College will not disclose personally identifiable information (PII) from a student's educational records without the student's written consent, except to the extent that FERPA authorizes disclosure without consent.

FERPA allows schools to disclosure certain PII *without* the consent of students to a limited number of parties. Some of these include:

- a. *School Officials.* Snow can disclose PII to school officials with legitimate educational interests. A school official is a person employed by Snow College in an administrative, supervisory, academic, research, or support staff position (including law enforcement 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 has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for Snow College.
- b. *Officials from Other Schools.* Upon request, the school also discloses education records to officials of other postsecondary institutions to which a student seeks or intends to enroll.
- c. *Contractors and Volunteers.* Snow can and does disclose PII to contractors or volunteers outside of Snow College whom the College has designated as school officials who (1) perform an institutional service or function for which the school would otherwise use its own employees and (2) are under the direct control of the school with respect to the use and maintenance of PII from education records. These include attorneys, auditors, or collection agents or students volunteering to assist school officials in performing his or her tasks.

See "Authorized Disclosures" below for a list of the disclosures that postsecondary institutions may make without consent.

4. *Right to Place Restriction on Directory Information.* Students at Snow College have the right to place a restriction on the dissemination of directory information. Please see below for a more thorough discussion about your rights and Snow's policy towards directory information.
5. *Right to File a Complaint.* Each student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by Snow 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

DISCLOSURE OF INFORMATION.

Authorized Disclosures.

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, 34 CFR §99.32 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 those requesting directory information, as the school has designated "directory information" under §99.37, who have a legitimate purpose for the information. (§99.31(a)(11))
- To school officials within Snow College whom the school has determined to have legitimate educational interests. This includes teachers, 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)(2) are met. (§99.31(a)(1))

- To those who require the information 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 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 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 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 College'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)
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- 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 appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- 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 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))

Directory Information.

Though directory information is included in personally identifiable information (PII) (§99.3), FERPA treats directory information differently than other student information. Under FERPA, the College may disclose directory information to third parties and may define what "directory information" is. The U.S. Department of Education's regulations state that directory information "means information contained in an education

record of a student that would not generally be considered harmful or an invasion of privacy if disclosed." 34 CFR §99.3. It then provides a nonexclusive list of what is directory information.

To protect the confidentiality of a student's records, Snow College has chosen not to include all of the possible categories of directory information. Snow has limited directory information, which may be disclosed to third parties, to the following:

- Student's full name(s);
- Addresses;
- Telephone number(s);
- Email addresses;
- Degrees, honors, and awards received;
- Enrollment status;
- Dates of attendance;
- Participation in officially recognized activities/sports; and
- Athletes' heights and weights

All directory information listed above may be disclosed to third parties, but Snow will only do so upon the requesting party showing a legitimate need for the information.

Under Snow's Confidentiality of Records Policy and FERPA, students have the right to place restrictions on their directory information. Students can place a restriction on their record at any time by presenting a written request at the Registration windows.

Requests for Directory Information.

Snow will not disclose any directory information to any person, organization, or agency that does not have a legitimate purpose for requesting those records. Snow only recognizes educational, employment, and financial aid purposes as being legitimate reasons to disclose the directory information of its students. To obtain directory information, please provide a signed copy of the Directory Information Request Form to the Registrar's Office. Please briefly articulate what the legitimate purpose is, how the disclosure will benefit the student, and how the information will be used.