

## Concordia University Texas

<b>Policy</b>		Effective Date:	September 1, 2006
RR07- Family Education Rights and Privacy Act (FERPA)		Last Revision Date:	June 9, 2020
		External Review Date:	N/A
Corporate Owner:	Provost	Operational Owner:	Office of Student Registration and Records
Revision Cycle:	Annually or as needed.	Page No:	Page <b>1</b> of <b>8</b>

### I. Purpose

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To comply with a federal law that protects students' access to and rights regarding their educational records.

### II. Scope

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The scope of this policy includes all graduate and undergraduate students, faculty, adjunct faculty, staff, third-party vendors, and anyone else who directly represents Concordia University Texas that has access to student records.

### III. Definitions

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**Directory Information** - information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. One may opt out of public directory information by submitting a FERPA confidentiality form requesting their information not be released.

**Student** - any person who "in attendance", meaning who attends or has attended Concordia University Texas, for whom the University maintains an educational record. For purposes of this policy, a person becomes a student when he or she has matriculated (officially registered) for the first time.

**Student Education Record** - those records, files, documents, and other materials which contain information directly related to a student; and maintained by an educational agency or institution or by a person acting for such agency or institution.

### IV. Policy Statement

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#### A. General Statement of Policy on Protection of Student Records

The Family Educational Rights and Privacy Act of 1974, as amended, is a federal law that 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

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Revision Cycle:	Annually or as needed.	Page No:	Page <b>2</b> of <b>8</b>

confidentiality of student education records. Concordia University Texas 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 the following, which are permitted under FERPA:

- School officials with legitimate educational interest. A “school official” is any person employed by Concordia University Texas in any administrative, supervisory, academic or research, or support staff position (including public safety and health services staff); any person or company with whom Concordia University Texas has contracted to provide a service to or on behalf of Concordia University Texas (such as an attorney, auditor, or collection agent); or any student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a “legitimate educational interest” if the official needs to review an education record in order to fulfill the official’s professional responsibility;
- Other schools to which a student is transferring or seeking to enroll;
- Accrediting organizations carrying out accreditation functions;
- To comply with a judicial order or lawfully issued subpoena;
- Persons in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Concordia University Texas may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. Parents and eligible students are notified about directory information and allowed a reasonable amount of time to request that directory information about them not be released.

Under this policy, Student Education Record shall not include the following:

- A personal record kept by a staff member if it is kept in the sole possession of the maker of the records, used only as a memory aid, and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.

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Revision Cycle:	Annually or as needed.	Page No:	Page <b>3</b> of <b>8</b>

- An employment record of an individual, whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.
- Records maintained by Concordia University at Austin Campus Police if the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction, and the Campus Police does not have access to education records maintained by the University.
- Alumni records which contain information about a student after he or she is no longer in attendance at the University and which do not relate to the person as a student.
- Medical treatment records that are made and maintained by a health care provider acting in his or her official capacity; and made, maintained, or used only in connection with the provision of treatment to the student, and not available to anyone (including the student) other than persons providing such treatment

### B. Declaration of Directory Information Designations

Directory information is that information which may be made public without the written consent of the student. Such information may be disclosed by the institution for any purpose, at its discretion.

Concordia University Texas hereby designates the following student information as Directory Information:

- Name
- E-mail address
- Local address
- Local phone number
- Dates of attendance
- Classification
- Major Field of Study
- Previous Institution(s) attended
- Awards, honors (incl. Honors list)
- Expected date of graduation
- Degree(s) conferred with date(s)
- Photographs
- Past and present participation in officially recognized sports and activities
- Physical factors of athletes (height, weight)
- Enrollment status

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Revision Cycle:	Annually or as needed.	Page No:	Page 4 of 8

Currently enrolled students may withhold disclosure of directory information. To withhold disclosure, written notification must be received in the Office of the Director of Student Registration and Records prior to the ninth class day of any regular term.

### C. Security of Records and Identity Verification

Security of student educational records is assured through identification of the individual making the request for access to educational records.

**In person:** the individual must present a government issued photo I.D. or their student I.D. badge.

**Over the telephone:** the individual must answer questions unique to their identification found within the student data system.

**When using email:** only messages sent through Concordia's school email account are deemed secure enough to contain personally identifiable information (PII). All communication with students is required to be sent through Concordia's email system.

A FERPA waiver form is found on the Director of Student Registration and Records' section of the CTX website allowing students to designate individuals to have access to their educational records. This permission is noted in the student data system.

The University maintains a record of all requests for and/or disclosure of information from a student's education records, and will be maintained as long as the education record is maintained. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information.

CTX is not required to maintain a record of the request for information if it was made to or the request was from: the student; a school official as defined in this policy; a party with written consent from the student; a party seeking directory information; or a party with a law enforcement subpoena or court order which specifies that the existence or contents of the subpoena or court order not be disclosed.

### D. Notification to Students of Rights Under FERPA

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Revision Cycle:	Annually or as needed.	Page No:	Page 5 of 8

Concordia University Texas notifies parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, webpage, student handbook, or newspaper article) is at the discretion of Concordia University Texas.

### **E. Student Rights to Inspect, Challenge and Correct Records**

The law provides students with the right to inspect and review information contained in their educational records, to challenge the contents of their educational records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panels to be unacceptable.

The Director of Student Registration and Records at Concordia has been designated by the institution to coordinate the inspection and review procedures for student educational records, which include admission, personal, academic, and financial files, cooperative education, and placement records. Students wishing to review their educational records must make written requests or via the designated process to the Director of Student Registration and Records listing the item or items of interest. If a hearing is requested following a legitimate challenge is denied, the Director of Student Registration and Records shall be responsible for establishing the committee and overseeing that appropriate process is given and that all aspects of FERPA and any other applicable laws are followed.

Copies of the procedures and any policy related to those procedures to be used by Concordia University Texas for compliance with the provisions of the FERPA shall be maintained and made available upon request by the Office of the Director of Student Registration and Records.

### **F. Fees**

Any fee charged for copies of educational records is determined by Concordia University Texas and shall be published in the Academic Catalog or on the form used to make such requests.

### **G. Refusal to Provide Copies of Student Education Record**

The University reserves the right to deny official transcripts or copies of records not required to be made available by FERPA or the Texas Public Information Act in any of the following situations:

- The student has an unpaid financial obligation to the University; or
- There is an unresolved disciplinary action against a student.

### **H. Types of Education Records and Custodian Designations within Concordia**

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Type of Records: Admission (after enrollment)

Location: Office of Student Registration and Records

Custodian: Director of Student Registration and Records

Type of Records: Financial Aid

Location: Financial Aid Office

Custodian: Director of Financial Aid

Type of Records: Disciplinary

Location: Vice-Provost for Enrollment and Student Services

Custodian: Director of Student Services

Type of Records: Academic Records

Location: Director of Student Registration and Records' Office

Custodian: Director of Student Registration and Records

Type of Records: Employment Credentials Location:

Human Resources Office

Custodian: Director of Human Resources

Type of Records: Progress

Location: Dean's Office

Custodian: Dean, Dean's Executive Assistant

Type of Records: Miscellaneous

Location: The appropriate official will collect such records, direct the student to their location, or otherwise make them available for inspection and review.

Custodian: The University staff person who maintains such occasional systems records.

**I. Training and Communication of FERPA-Related Information at Concordia**

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The Director of Student Registration and Records is charged with ensuring that appropriate FERPA training is provided for all new faculty and staff. This training may be provided through orientations, online access to FERPA training materials and collegial mentoring. The Director of Student Registration and Records shall also ensure that the Employee Handbook and Faculty Handbook, or their equivalent in policy, contains appropriate statements about this Policy and obligations of faculty and staff to this policy and under law.

Student workers must be instructed in FERPA policy when they are hired and must sign a Statement of FERPA Understanding form through the Director of Student Registration and Records if it can be reasonable expected that during their work obligations they will be exposed to any parts of protected records or to the protected information contained in such records.

The Director of Student Registration and Records shall also maintain an ongoing and updated information repository about FERPA rules and policies for reference by faculty, staff and students, such as in the Director of Student Registration and Records' section of the CTX website.

### J. Authority

The Director of Student Registration and Records maintains responsibility for supervision of FERPA compliance. The Director of Student Registration and Records has the authority and obligation to document, report and addresses any and all violations discovered or reported to him or her. Once discovered or reported, each potential violation shall be investigated by the Director of Student Registration and Records or his or her designee.

If a violation is confirmed, the Director of Student Registration and Records shall address the offense and corrective action(s) with the offender and a notification of the offense and corrective actions shall be provided to the offender's manager/Dean. If the counseling does not result in necessary actions or the offender does not submit to counseling, the Director of Student Registration and Records shall engage the offender's manager in conducting the counseling and ensuring corrective action(s) are taken or complied with.

In cases of repeat violations or of willful violation, the manager and Provost and shall be notified immediately and a notice of the policy violation shall be sent to HR for the offender's file. The Director of Student Registration and Records does not have authority under this policy to directly place sanctions or to take disciplinary actions against another employee but may recommend such to the appropriate manager and/or the Provost.

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Revision Cycle:	Annually or as needed.	Page No:	Page <b>8</b> of <b>8</b>

### V. Additional References

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Office of Student Registration and Records Resources for (FERPA)

<http://www.concordia.edu/resources/office-of-student-registration-and-records/family-education-rights-and-privacy-act-ferpa.html>

Family Educational Rights and Privacy Act (FERPA) of 1974:

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>