



Charles R. Drew University of Medicine and Science

"A Private University with a Public Mission"

Family Educational Rights and Privacy Act (FERPA)

316

Issuing Officer: Executive Vice President for Academic Affairs/Provost

Responsible Office: Office of Registration and Records

Effective Date: June 4, 2019

Revised Date/Review Date (If necessary): 4/2019

Supersedes (If necessary): N/A

PURPOSE:

Charles R. Drew University of Medicine and Science is committed to meeting the provisions established in the Family Educational Rights and Privacy Act (FERPA), which protects the rights of students who are enrolled or who were previously enrolled in the University. This policy outlines those rights and the steps being taken by the University to ensure the federally mandated policy is adhered to.

POLICY:

Annual Notification

The University will notify currently enrolled students of their rights under FERPA by publishing a notice in the University Catalog and on the Charles R. Drew University website.

Disclosure

A. *Procedure of Students to Inspect their Educational Records*

To inspect, or review an education record, a student must submit a written request to the Registrar to make an appointment to view these records. If students wish to inspect their student conduct records, the written request must be submitted to the Dean of their respective college or school to make an appointment to view these records. The student must sign the request; describe the specific records to be reviewed; and must set forth the name under which the student attended the University; the student's ID number; and the student's last date of attendance. Proper picture identification must be presented before the documents may be reviewed. The custodian of record, or designee, may waive the requirement for a written request. For example, the custodian of record for the

student account may waive the requirement for a written request when the student requests a copy of the current statement of tuition and fees.

Some student records may no longer be retained and therefore, the file may not exist for the student to inspect.

Access to inspect educational records normally shall be granted to the student no later than 15 working days following the date of request from the student.

The original records may not leave the office where the records are maintained.

B. *Right of University to Refuse Access*

The University reserves the right to refuse *permission to the inspection and review* of:

- Financial statements of the student's parents;
- Confidential letters and confidential statements placed in the education records after January 1, 1975 for which the student has waived the right of access in writing for admission, employment or receipt of an honor or honorary recognition, except when these documents have been used for any purpose other than that for which they were originally intended; and
- Documents excluded from the FERPA definition of education records (such as those listed in the "Definitions" section above).

C. *Refusal to Provide Copies*

The University reserves the right not to provide copies of transcripts it has received from other educational institutions. It also reserves the right to deny copies of the Charles R. Drew University transcripts if the student has an unpaid financial obligation to the University.

D. *Request for Copies*

If health reasons or extreme distance from the University prevents the student from inspecting the education record in the office of the respective custodian of record, then copies of the specific education record requested will be mailed to the student. The student must pay all copying expenses in advance of the release of the record. The requirement of a written request will not be waived in these circumstance.

Disclosure of Education Record to Individual/Agency Other than the Student to Whom the Record Pertains

A. *Disclosure of Education Records to University Officials*

The university will disclose information from a student's education records to University officials who have a legitimate education interest in the records.

A University official has a legitimate educational interest if the official is:

- Performing a task or service specified in the official's position description or contract;
- Performing an instructional task directly related to the student's education;
- Performing a task related to the discipline of a student;
- Performing as a faculty advisor, Program Director, Department Chair or Dean (this pertains exclusively to access to the student's academic record);
- Providing a service or benefit relating to the student, including, but limited to, health care, counseling, job placement, financial aid or health and safety emergency.

B. *Disclosure to Others*

Charles R. Drew University may disclose information from a student's education record to other than University officials only with written consent of the student, except:

- To officials of another school where the student seeks or intends to enroll;
- To certain authorized government representatives;
- In connection with the student's financial aid request or award and the information is necessary for certain purposes set forth in regulations;
- To organizations conducting studies for or on behalf of the University;
- To accrediting organizations to carry out their accrediting function;
- To comply with a judicial order or lawfully issued subpoena and the University has made reasonable effort to notify the student of the order or subpoena in advance of compliance;
- To appropriate parties in a health or safety emergency;
- To victims of crimes of violence or of a non-forcible sex offense who requests the final results of a disciplinary review process held by the institution against the perpetrator on account of the crime or offense; or
- In connection with the University's obligation to respond to a request from military recruiters made under the Solomon Amendment.

C. *Records of Requests for Disclosure to Individuals Other than the Student or University Officials*

A record will be maintained of all requests for access to and disclosures of information from the education records of each student except as stated below. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed and the party's legitimate interest in requesting or obtaining the information. The record may be reviewed by the student. A record of disclosures does not need to be kept if those disclosures were made to the student, a

University official with legitimate educational interests, a party with written consent from the student, or a party seeking directory information.

D. *Directory Information*

The University designates the following items as directory information:

- Student's name
- University assigned e-mail address
- Major field of study
- Dates of attendance
- Full-time or part-time status
- Degrees, awards and honors received
- Dates degrees conferred
- Participation in officially recognized activities

Directory information may be released without prior written approval unless notified in writing by the student that all information is to be held in confidence by the University. Requests to withhold directory information should be sent in writing to the Registrar. The student's records will be kept confidential until the student requests in writing that the confidentiality hold may be removed.

E. *Challenge and Correction of Education Records*

Students have the right to ask to have education records corrected that they believe are inaccurate, misleading or in violation of the privacy or other rights of the student. The following are the procedures for correcting the records.

- a. The student must request an informal discussion of the questionable item with the custodian of record, who will determine whether to comply.
- b. If the student is not satisfied with the result and still wishes to have the record corrected, the student must submit a written request for a change in the education record. This written request must state why the education record is inaccurate, misleading or violates the privacy or other rights of the student. This request must be given to the Dean of Student Affairs. The Dean of Student Affairs will then forward the request to the appropriate University designee for review.
- c. Upon receipt of the request, the University designee shall obtain a written statement from the records custodian that explains why the request for the change in the education record was denied at the informal stage.
- d. After a review, the University designee will notify the student whether or not the University will comply with the requested change. If not, the designee will notify the student of the right to a hearing to challenge the information believed to be

inaccurate, misleading, or in violation of the student's rights. A copy of this communication will be sent to the Provost.

- e. Upon receiving a written request, the Dean of Student Affairs, or designee, shall arrange for a hearing within thirty (30) working days after the receipt of the request. The student shall be notified at least fifteen (15) working days in advance of the date, time and place of the hearing. The right to a hearing does not include any right to challenge the appropriateness of a grade determined by an instructor. The Provost's Office can apprise students of the appropriate process for challenging a grade.
- f. Dean of Student Affairs shall appoint a hearing officer to conduct a hearing. The hearing officer shall be a disinterested party; however, the hearing officer may be an official of the University. The student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. In accordance with University policy, attorneys will not be permitted to attend the hearing.
- g. The hearing officer will submit a written decision to the Provost based on the evidence presented at the hearing. The Provost's Office will communicate the decision in writing to the student within fifteen (15) days after the hearing.
- h. If the University's decision is that the challenged information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the record will be amended accordingly and the student will be notified in writing of the amendment by the Provost.
- i. If the University's decision is that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the Dean of Student Affairs will inform the student of the right to place a statement in the record commenting on the challenged information and/or a statement setting forth the reasons for disagreeing with the decision. This statement will be maintained as part of the education record as long as that record is maintained, and the statement will be disclosed whenever the University discloses the portion of the record to which the statement relates. The hearing officer's decision is final.

BACKGROUND:

The Family Education Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. The law applies to schools that receive funds under an applicable program of the U.S. Department of Education. CDU has developed the steps outlined below to adhere to the provisions of the law.

APPLICABILITY:

FERPA applies to all students who are enrolled or who were previously enrolled in the University.

ROLES AND RESPONSIBILITIES:

The custodian of record as designated in the “Accountability” section, above, will determine whether a legitimate educational interest exists, whether the school official has a legal right to know, on a case-by-case basis. When the custodian has any question regarding the request, the custodian should withhold disclosure unless the custodian obtains written consent from the student or the concurrence of a supervisor or other appropriate official that the record may be released.

COMPLIANCE:

This policy is in response to a federally mandated law that protects the rights of students. Non-compliance puts at risk the ability of the University to receive federal funds.

Failure of responsible employees to comply with the reporting obligations under this policy may result in disciplinary action, up to and including termination.

Students in violation of this policy are subject to disciplinary action up to and including dismissal from the University.

APPROVING AUTHORITY:

Board of Trustees

DEFINITIONS:

For purpose of this policy only:

Student – Any person who enrolls in or who has been enrolled at Charles R. Drew University. A student is considered enrolled, for FERPA purposes, if they are registered for a class on the day of their first semester of enrollment.

Third Parties – Non-university persons or entities

University – Hereafter in this document, a reference to Charles R. Drew University of Medicine and Science.

University Official – University employees who have a legitimate educational interest in the records.

Education Records – Any record (in handwriting, print, tapes, film, or other medium) maintained by Charles R. Drew University, or an agent of the University, which is directly related to a student, except:

1. A personal record kept by a staff member, if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute.
2. 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.
3. Records maintained by the University's Student Health Services, Personal Counseling Services or Disability Resource Programs offices if the records are used for treatment of a student and made available only to those persons providing treatment.
4. Alumni record, which contain information about a student after he or she is no longer in attendance at the University and the records do not relate to the person as a student.

Legitimate Educational Interest – a school official has a legitimate education interest in the protected education records, a legal "right to know" if the official is:

1. Performing a task that is specified in his or her position description or contract agreement related to a student's education; or related to the discipline of a student
2. Providing a service or benefit to the student or students' family, such as health care, counseling, job placement or financial aid.
3. Maintaining the safety and security of the campus.

PROCEDURES:

A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address for the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202-4605

RELATED POLICIES:

309-Academic Records Retention Policy