

CONFIDENTIALITY OF STUDENT RECORDS

I. Purpose

St. Thomas University complies with the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, the federal law that protects the privacy of education records of students. As such, this policy provides STU's faculty, staff, and other community members with guidance for the maintenance of, access to, and release of education records. Unless specifically provided in the policy, the University does not intend to offer more protection than provided by FERPA.

II. Applicability

This policy affects all faculty, staff, students, parents/guardians, contractors, volunteers, and third-parties.

Each record-keeping office should establish and maintain procedures to handle student education records consistent with this policy.

Persons who unsuccessfully applied for admission to the University are not covered by FERPA. An unsuccessful applicant for admission to the University is not considered to be a *student*. FERPA also restricts the persons to whom the University may disclose a student's education records without the student's written permission.

III. Definitions

- A. Directory Information** as defined by FERPA is a subset of education records which may be released without a student's consent. The University considers the following listed items as Directory Information: name of student, major, degrees awarded, and dates of attendance.
- B. Disclosure or Disclose** is defined as permitting access to or the release, transfer, or other communication of Personally Identifiable Information contained in education records by any means, including oral, written or electronic means, to any party except the party identified as the party that provided or created the record.
- C. Education Records** means any records maintained in any form by the University that are directly related to a student. The term does not include: (1) records created after the individual is no longer in attendance that are not directly related to the individual's attendance or studies; (2) grades on peer-graded papers before they are collected and recorded by an instructor of faculty member; and, (3) the materials, information, and records in the *Exclusions* section.
- D. Health or Safety Emergency** is a situation that requires disclosure of Personally Identifiable Information from an education record in connection with an emergency where there is an articulable and significant threat to the health or safety of a student or other individuals and where knowledge of the information is necessary to protect the health or safety of the student, other students, or other members of the campus community. In determining whether a health or safety emergency exists, the University may take into account the totality of the circumstances pertaining to a threat of the health or safety of a student or other individuals.

E. Personally Identifiable Information (PII) includes a student's name; the name of student's parent or other family member; the address of a student or student's family; a personal identifier, such as social security number or student identification number, or any portion thereof, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the University community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or information requested by a person who the University reasonably believes knows the identity of the student to whom the education record relates.

F. Student as defined by FERPA is an individual who has reached 18 years of age or is attending a postsecondary institution at any age. STU defines a student as an individual who is enrolled and actually attends the University. Attendance includes in person or by distance education.

IV. Exclusions

This policy does not give students the right to prevent disclosure of their names or other identifiers in the classroom. The policy also does not prohibit faculty member or instructors from carrying out customary practices, such as group grading of team assigned and/or projects.

PII and records are excluded from the definition of education records and are not available to students for inspection, review, challenge, correction, or deletion:

PII related solely to a former Student's activities as an alumnus of the University is not protected under this policy.

The following materials, information and records are excluded from the definition of education records and are not available to students for inspection, review, challenge, correction or deletion:

1. Financial information submitted by the student's parents;
2. Confidential letters and recommendations associated with admissions, employment or job placement, or honors, to which the student has waived rights of inspection and review (the University 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);
3. Education records containing information about more than one student, in which case the University will permit access only to that part of the record that pertains to the inquiring student.

V. Disclosure of Education Records

A. Disclosure to the Student

The student has the right, by written request to the Registrar's Office, to review materials that are in the student's education records. The Registrar's Office is required to grant the request within 45 days. Students should submit to the registrar, written requests that identify the record(s) they wish to inspect. The Registrar's Office will make arrangements for access and notify the

student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. The University reserves the right to deny requests for copies of records if there is an administrative restriction on the individual's student account (e.g., financial obligation, disciplinary stop). The student may appeal the determination to disclose or to withhold disclosure of directory information by submitting written appeal to the University Provost. Upon review of the written appeal, the University Provost will render a final decision regarding the student's request to review his or her records.

X. Student Requested Non-disclosure of Directory Information

The student has the right, by written request to the Registrar's Office, or University Provost, to prohibit disclosure of his or her "directory information" (as defined above in Section III) to the public or to specific third parties. The Registrar's Office is required to grant the request within 45 days. Students should submit to the registrar written requests that identify the "directory information" of which the student requests nondisclosure. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. The Registrar's Office reserves the right to deny requests for prohibiting disclosure of "directory information" if there is an administrative restriction on the individual's student account (e.g., financial obligation, disciplinary stop) If the Registrar's Office decides not to prohibit disclosure of designated "directory information" as requested by the student, the Registrar's Office will notify the student of the decision and advise the student of his or her right to submit an appeal in writing to the University Provost regarding the request to prohibit disclosure of the designated information. Additional information regarding the written appeal will be provided to the student when notified of the right to appeal. Upon review of the written appeal, the University Provost will render a final decision regarding the student's request for prohibition of disclosure of designated directory information.

B. Disclosure of Education Records With and Without Consent

Generally, a student's education records may only be disclosed to third parties with the prior written consent of the student, as provided by completing "Record Release and Privacy Notification Form" or any similar form from third parties in which the student is authorizing disclosure. However, certain education records may be disclosed without the prior written consent of a student pursuant to specific exceptions under FERPA that include, but are not limited to, the following:

1. **Directory Information:** Directory information (as defined in Section III above), including student images and email addresses, may appear in public documents and may otherwise be disclosed without student consent.
2. **Legitimate Education Interests:** A University official with an legitimate interest is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including public safety personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); or a student serving on an official committee, such as a disciplinary or grievance

committee, or assisting another University official in performing their tasks. A University official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

3. **Parents of Dependents:** Parents of a student who is a dependent for federal tax purposes, as defined by Section 152 of the Internal Revenue Code of 1954, may have access to that student's education records without prior consent of the student. Parents may demonstrate the tax dependency of a student only by submitting to the University a copy of the first and signature pages of their most recently filed federal income tax return (with personal financial data removed). Alternatively, a student may demonstrate tax dependency, and thus allow parental access to the student's records without prior consent of the student, by submitting to the University a signed statement of his or her tax dependency. If a dependent student's parents are divorced, both parents may have access to the student's records, so long as at least one parent claims the student as a dependent.
4. **Other Institutions:** The University may release a student's education records to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer.
5. **Financial Aid:** The University may release a student's education records to persons or organizations in connection with that student's application for, or receipt of, financial aid, but only to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms or conditions of such financial aid.
6. **Judicial Orders:** Information concerning a student shall be released in response to a judicial order or lawfully issued subpoena, subject to the conditions set forth in 34 CFR § 99.31(a)(9).
7. **Institutional Judicial Affairs:** Disclosure of the results of an institutional disciplinary proceeding against the alleged perpetrator of a crime of violence may be released to the alleged victim of that crime with respect to that crime. Disclosure of the final results (name, violation committed, and sanction imposed) of a disciplinary proceeding against a student who is an alleged perpetrator of any crime of violence or a non-forcible sex offense if, as a result of the proceeding, it is determined that the student committed a violation of University rules or policies with respect to such crime or offense.
8. **Health and Safety:** The University may, subject to the conditions set forth in 34 CFR § 99.36, disclose student information to appropriate persons, including parents of a student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
9. **Liquor or Drug Violations:** The University may disclose to a parent or legal guardian of a student, information regarding any violation of any Federal, State, or local law, or of any rule or policy of the University, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, if the student is under the age of 21 at the time of disclosure to the parent, and the University determines that the student is responsible for a student conduct violation with respect to such use or possession.

10. **Registered Sex Offenders:** The University may disclose education records concerning sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, if the information was provided to the University under 42 U.S.C. 14071 and applicable Federal guidelines.

C. Amendment to Student's Record

The right to request the amendment of the student's educational records that the student believes are inaccurate or misleading. Students may ask the Registrar's Office to amend a record they believe is inaccurate or misleading. Written requests should be made to the Registrar's Office, clearly identifying the part of the record to be amended and specifying why it is inaccurate or misleading. If the Registrar's Office decides not to amend the record as requested by the student, the Registrar's Office will notify the student of the decision and advise the student of his or her right to submit an appeal in writing to the University Provost regarding the request for amendment. Additional information regarding the written appeal will be provided to the student when notified of the right to appeal. Upon review of the written appeal, the University Provost will render a final decision regarding the student's request for amendment of his or her records.

VI. Notices

The University provides official annual notice to students of their rights under FERPA by publishing such notice on or before November 1.

VII. FERPA Violations

The right to file a complaint with the U.S. Department of Education concerning alleged failures by St. Thomas University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance
Office US Department of Education
400 Maryland Avenue SW
Washington, DC, 20202-4605

VIII. Sunset Review

This policy shall be reviewed in five (5) years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time as necessary to reflect substantial organizational, physical, or academic change(s) at STU or any change required by law.

IX. Appendices

Appendix A: Record Release and Privacy Notification Form

Responsible Authority: *Office of Academic Affairs/ Enrollment Management*

Appendix A: Record Release and Privacy Notification Form



Student Success Center

studentsuccesscenter@stu.edu

RECORD RELEASE AND PRIVACY NOTIFICATION FORM

Purpose of Disclosure: We take great strides to protect the data of any individual who interacts with the University in the usual course of business. The University will follow federal regulations while still diligently protecting the data of all individuals regardless of their geographical location. Pursuant to the Family Educational Rights and Privacy Act (FERPA), the University may disclose, in its discretion, personal information of a student: (a) for University publications, instructional materials and other University communication tools (including, but not limited to, graduation programs, recruitment brochures, University websites, social media, and postings and displays throughout the campus); or (b) for the purpose of communicating with parents to address health or safety conditions, including information to meet or to prepare for a potential or confirmed health or safety threat.

This form must be completed before the University will release non-directory information to anyone including your parents, spouse, or sponsor. If you choose to revoke previously granted authorization, you must send a signed written request to the Student Success Center.

Student Information (please print neatly):

_____	_____	_____
LAST NAME	FIRST NAME	STUDENT NUMBER
_____	_____	_____
HOME ADDRESS	DAYTIME PHONE NUMBER	SOCIAL SECURITY NUMBER

This release/disclosure may be made to (identify the party or class of parties). Please print the name of the party or parties below:

Check (✓) Types of Information to Release

Check	Name	Description
<input type="checkbox"/>	Accounting	Includes tuition and fee balances, financial holds, mailing and billing address, payment plans, accounting statements, collections and debt information.
<input type="checkbox"/>	Registration	Includes information and documents related to current enrollment, dates of enrollment activity, enrollment status, residency status, semesters attended and mailing address information.
<input type="checkbox"/>	Academic Records	Includes all grades for courses including: GPA, credits earned, credits attempted, and degree(s) awarded included on the student's transcript record.
<input type="checkbox"/>	Financial Aids Records	Includes all records related to scholarships, grants, and loans.
<input type="checkbox"/>	Disciplinary Records	Includes information related to University discipline matters.
<input type="checkbox"/>	Housing Records	Includes information related to Residential Life.
<input type="checkbox"/>	Cancel	Cancels any previous request.

I hereby release St. Thomas University, Inc., Archbishop Thomas G. Wenski, The Archdiocese of Miami and all their agents, officers and employees, including the Registrar's Office, from any and all liability for release of the above-named records/information. This authorization is valid until canceled. The student may cancel this release at any time by submitting another FERPA form to the STU's Student Success Center.

_____	_____
STUDENT SIGNATURE	DATE

For additional information about FERPA please visit the Registrar's Office website at www.stu.edu/registrar. The University's privacy notice is located at www.stu.edu/privacy-notice.

Phone: (305) 474-6900
 Fax: (305) 474-6930

Revised: 08-08-2019



School of Law Registrar's Office

lsregistrar@stu.edu

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<input type="checkbox"/>	Financial Aids Records	Includes all records related to scholarships, grants, and loans.
<input type="checkbox"/>	Disciplinary Records	Includes information related to University discipline matters.
<input type="checkbox"/>	Housing Records	Includes information related to Residential Life.
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STUDENT SIGNATURE

DATE

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Phone: (305) 623-2360
 Fax: (305) 623-2344

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