

McKendree University Notification of Rights under FERPA for Postsecondary Institutions

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

Students should submit to the registrar, dean, or chair of the academic division [or appropriate official] written requests that identify the record(s) they wish to inspect. The University official 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.

2. The right to request the amendment of the student's education records that the student believes is inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University 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 University decides not to amend the record as requested by the student, the University 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.

The University may disclose education records in the following circumstances:

- A. to school officials with legitimate educational interests. A school official is defined as a person employed by the University in an administrative, supervisory, academic, or support staff position (including law enforcement unit and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; 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 his or her professional responsibility;
 - B. to comply with a judicial order or a lawfully issued subpoena;
 - C. to appropriate parties in a health or safety emergency;
 - D. in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid;
 - E. to certain officials of the U.S. Department of Education, the Comptroller General, to state and local educational authorities, in connection with certain state or federally supported education programs;
 - F. to accrediting organizations to carry out their functions;
 - G. to organizations conducting certain studies for or on behalf of the University;
 - H. the results of an institutional disciplinary proceeding against the alleged of a crime of violence may be released to the alleged victim of that crime with respect to that crime.
- I. *As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which education records and personally identifiable information (PII) contained in such records — including Social Security Number, grades, or other private information — may be accessed without the student's consent. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to student records and PII without the student's consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution. Second, Federal and State Authorities may allow access to student education records and PII without the student's consent to researchers performing certain types of*

studies, in certain cases even when we object to or do not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without consent PII from a student's education records, and they may track participation in education and other programs by linking such PII to other personal information about students that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

4. 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 of the Office that administers FERPA is:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605**

5. The University may disclose Directory Information without a student's prior written consent. The University designates the following as Directory Information:

Name	Dates of attendance
Address (local and home)	Degrees and awards received
Telephone Number (local and home)	Most recent educational institution attended
Date and place of birth	Participation in activities and sports
Major field of study	Weight and height of members of athletic teams
Photos which may be published on the McKendree website or social media sites, magazines, brochures, or press releases	

Please note: McKendree University does not release lists of students to any outside entity except to branches of the armed forces in compliance with the Solomon Amendment.

6. Students may restrict the release of Directory Information, except to others as indicated in point #3 above. Requests of non-disclosure of Directory Information must be submitted annually **within two weeks of the start of an academic term (fall, spring or summer)** and will be valid for the remainder of the academic year (fall through summer). Please note: non-disclosure means the University will not release *any* information about the student to any third party. University personnel will respond with the statement "we have no information on this individual" if a request is made. This may affect the student's ability to receive financial aid, so careful consideration should be given before requesting non-disclosure. A non-disclosure form is available for your use from the Office of Academic Records. You may reach us by visiting the first floor of Old Main on the Lebanon Campus or by calling (618) 537-6819.
7. Students may allow other individuals access to both academic and financial information by completing the FERPA Release eForm found on the Academic Records Office web page (<http://www.mckendree.edu/offices/academic-records/ferpa/index.php>). The form has two parts, the first for release of financial information and the second for academic information. Students may complete both or only one part of the form.
8. For purposes of compliance with FERPA, McKendree University considers *all* students independent. Parents who wish to have access to the academic records of a student should ask the student to submit a FERPA Release eForm.
9. If a FERPA release form has been submitted, parents or other individuals granted access may:
 - A. Make a request to discuss the grades of the student after mid-term and final grades have been posted;
 - B. Make a request to speak to the instructors of the student regarding attendance, class participation, and grades the student has earned in the class;

- C. Make a request to have a meeting with the student and the student's academic advisor, instructors, the Registrar or another member of the Academic Records Office, or the Provost.

Please note: The only disclosure requirement that is a "must" under FERPA is to the student. All other disclosures, even with a student's release form, are a "may." The decision to engage in dialogue with a parent is up to the discretion of the faculty member or department personnel to whom the request is made.

10. A FERPA release form does not grant the right to:

- A. Receive written information about the student's academic records, such as grade cards or transcripts;
- B. Speak for the student in regard to academic decisions;
- C. Enroll or withdraw the student from classes;
- D. Order a transcript on behalf of the student;
- E. Have a meeting with University personnel without the knowledge and presence of the student.