



FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

What is FERPA?

The Family Educational Rights and Privacy Act of 1974 (FERPA, sometimes referred to as the Buckley Amendment), is a federal law regarding the privacy of student records which identifies the obligations of educational institutions, primarily in the areas of release of and access to these records. Any educational institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements. Institutions that fail to comply with FERPA may have funds administered by the Secretary of Education withheld. The FERPA policy is intended to ensure students have the right to inspect and review their education records; the right to amend their education records as appropriate; and the right to control access to their educational records that are maintained by an educational institution.

Neumont University has adopted the following Education Records Policy to protect the privacy of education records maintained by the institution. The Education Records Policy will be published annually in the Student Handbook and may be amended from time to time to conform to any changes in the governing law. Students will be informed of this policy and any amendments through their Neumont University e-mail account. In addition, the policy will reside on the Neumont University website at www.neumont.edu.

Definitions

Student – The word “student” applies to all individuals attending the institution.

In attendance – Neumont University defines “in attendance” as “students who have attended at least one class at Neumont University.” Prospective students, applicants, or individuals in ‘Enrolled’ status, are not considered “in attendance,” even if they have registered for classes.

School official – A “school official” is any person employed by the university in an administrative, supervisory, academic, research or support staff position, a person elected to the Board of Trustees, or a person employed by or under contract to the university to perform a specific task.

Legitimate educational interest – A school official is considered to have a “legitimate educational interest” whenever he or she is performing a task that is specified in his or her position, description, or by a contract agreement; performing a task related to a student's education; performing a task related to the discipline of a student; providing a service or benefit relating to the student or student's family (such as health care, counseling, job placement, food services, or financial aid); or disclosing of information in response to a judicial order or legally issued subpoena.

Education record – “Education records” are defined as records, files, documents, and other materials in handwriting, print, tape, film, electronic, or other media that contain information that are directly related to a student and are maintained by Neumont University, or by a party acting for the university.

Directory information – a subset of educational records defined by FERPA as “...information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed” (1988 final regulations).

Education records do not include:

- Personal possession records - i.e., records/notes in sole possession of the maker, used only as a personal memory aid and not revealed or accessible to any other person except a temporary substitute for the maker of the record. (Personal possession records might include notes an instructor makes while providing career/professional guidance to a student);
- Personal Observation - made by a school official or a person in a position to observe or monitor related, necessary, or significant activity.
- Medical treatment records - includes but are not limited to records maintained by physicians, psychiatrists, psychologists and social workers;
- Employment records – records other than student worker record, i.e. a 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 student’s employment;
- Judicial records - created and maintained by Student Services for safety and policy enforcement considerations;
- Alumni records - post-attendance records, i.e., information about a person that was obtained when the person was no longer a student and does not relate to the person as a student. This would include annual giving reports and private donations;
- Parent’s financial records – Students do not have the right to inspect financial information submitted by or about their parents unless this information is part of a student aid application form, which the student has signed;
- Records containing information about more than one student (however, the institution must permit access to that part of the records which pertains only to the inquiring student);
- Confidential letters and statements of recommendation used for purposes of Admission to any school or program of instruction at the university.

The Right to Inspect and Review Educational Records

Where to Find Education Records

The University holds various types of education records in various locations on campus. The records and their typical locations are as follows:

Types of Records	Location of Records	Custodian of Records
Academic Records (includes undergraduate and graduate Admissions records)	Office of the Registrar	Registrar
Career Services	Career Services	Director of Career Services
Disciplinary and Student Conduct Records	Student Services	Director of Student Services
Financial Aid Records	Financial Aid Office	Director of Financial Aid
Disability Records	Student Services	Director of Student Services
Student Tuition Account Records	Financial Aid Office	Director of Financial Aid

Procedure to Inspect and Review Education Records

Students may inspect and review their education records upon request to the appropriate records custodian (see above). Students should submit their request in writing. The request should identify, as precisely as possible, the records they wish to inspect. The custodian will make the needed arrangements for access as promptly as possible and will notify the student of the time and place where the records may be inspected. If the university is unable to locate the requested records, it must notify the student within 45 days and explain what efforts have been made to locate the records in question and what, if any, additional action will be taken in an effort to locate them. Access to records in the University's possession must be granted within 45 days after the receipt of the written request except as noted below.

Right of the University to Refuse Access

Under FERPA policy, Neumont University reserves the right to refuse to permit a student to inspect the following records:

- o The financial statement(s) of the student's parents.
- o Letters and statements of recommendation for which the student has waived his or her right of access.
- o Records connected with an application to attend Neumont University if that application was denied.
- o Education records containing information about more than one student, in which case Neumont will permit access only to that part of the record which pertains to the inquiring student.
- o Those records which are excluded from the FERPA definition of education records.

Right of the University to Refuse to Provide Copies

Neumont University reserves the right to deny copies of educational records including transcripts if the following conditions apply:

- o The student has unpaid financial obligations to the University.
- o There is an unresolved disciplinary or academic dishonesty action against the student.
- o The student lives within commuting distance of Neumont and the request is for documents other than the official transcript (student can physically come and inspect records).
- o The education record requested is an exam or set of standardized test questions.

The Right to Amend Education Records

If students believe that any information contained in their education records is inaccurate, misleading or in violation of their privacy rights, they may request in writing that the office which contains those records amend them. This provision does NOT include an appeal to a grade issued by an instructor. This provision is intended to correct computation or clerical errors.

Procedures for Amending Records

- A student must submit a request in writing to the appropriate Neumont University official or records custodian, specifying the part of the record to be amended and indicating clearly why he or she believes it is inaccurate, misleading or in violation of his or her privacy rights.
- Neumont University has the right to comply or not comply with the request. The university official will inform the student in writing of the decision, normally within ten work days. The decision will include a summary of the information presented and reasons for the decision.
- If the decision is not to amend the record, the student has the right of appeal by hearing. Students must make the request for a formal hearing in writing to the university President within ten school days of the denial. The President will then appoint a hearing officer and inform the student of the date, place, and time of his or her hearing, normally within ten school days. At the hearing, the student may present evidence relevant to the issues raised and may be assisted or represented by one or more persons of his or her choice.
- Decisions of the hearing officer are considered final by the university and will be rendered in writing to all relevant parties. If the decision is to amend the records based on the evidence presented by the student, then the records will be amended by the appropriate university official and students will be so informed. If the decision is not to amend the record, students have the right to place in the education record a statement commenting on the challenged information and/or stating the reasons for disagreeing with the decision. This statement will be maintained as part of the education record as long as the contested portion is maintained, and whenever a copy of the education record is sent to any party, the student's statement will be included.

The Right to Control Access to Educational Records

Neumont University requires each record-keeping office to establish and maintain procedures and practices that will uphold the principles of confidentiality described in this policy.

Disclosure of Education Records or Release of Records Without Consent

Neumont University will disclose information from a student's education records only with the written consent of the student, except in the following cases:

- To the Student
- To anyone if the university has obtained the prior written consent of the student
- To school officials who have a legitimate educational interest in the records (see previous definitions).
- To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, and Department of Veterans Affairs in connection with certain state or federally supported education or assistance programs.
- To agencies or individuals requesting information in connection with a student's application 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.
- To agents acting on behalf of the institution (e.g., clearinghouses, degree/enrollment verifiers).
- To organizations conducting certain studies for or on behalf of the University.
- To accrediting organizations to carry out their functions.

- o To parents who claim the student as a dependent for income tax purposes.
- o To parents/legal guardians when their children (under age 21) are found to have violated the alcohol or drug policy of the institution (Warner Amendment).
- o To comply with a judicial order or a lawfully issued subpoena.
- o To an alleged victim of any crime of violence or the results of a disciplinary action regarding the alleged perpetrator of that crime with respect to that crime.
- o To anyone requesting the final results of a disciplinary hearing against an alleged perpetrator of a crime of violence or non-forcible sex offense (Foley Amendment).
- o To the U.S. Citizenship and Immigration Services (USCIS) for purposes of the Coordinated Interagency Partnership Regulating International Students.
- o To military recruiters who request "Student Recruiting Information" for recruiting purposes only (Solomon Amendment). Student Recruiting Information is name, address, telephone listing, age (or year of birth), and level of education.
- o To the Internal Revenue Service (IRS) for purposes of complying with the Taxpayer Relief Act of 1997.
- o To appropriate parties to protect the health and safety of students and other persons or to assist in resolving an emergency (Clery Act).
- o To anyone in response to requests for directory information (see below).

Directory Information

Neumont University is authorized under provisions of FERPA to define certain information called "directory information" and release such information without the student's written consent. Neumont takes great care when providing any information about students and takes a very conservative approach. For example, we do not sell student directories on campus or provide student directories to third parties such as credit card companies or other solicitors. We do not give information over the phone if there does not appear to be a legitimate educational interest on the part of the individual calling.

As mandated under FERPA, directory information can never include the following: Student ID number, social security number, race, ethnicity, nationality, or gender.

Neumont currently defines "directory information" to mean the following:

- o Student Name
- o Student address and telephone number(s)
- o Hometown of students and parents
- o Cohort number
- o Enrollment status and current status
- o Major field of study (BSCS, MSCS, or MBA)
- o Degrees earned including conferral dates
- o Dates of attendance
- o Names of previous institutions attended
- o Awards and honors including attendance, quarterly academic awards and other academic

honors including honors or recognition at graduation.

- o Participation in officially recognized co-curricular activities (e.g. music, sports)
- o Photographs*
- o Expected date of graduation
- o Age

****Use of Student Photographs:***

Photographers employed or contracted by the university regularly take photographs of students to illustrate or describe various aspects of the university and campus life. These photographs will be taken at venues such as campus activities and events held at Sterling Village and/or The Falls at Hunter's Pointe apartment complexes, commencement ceremonies and/or in other organized campus photo shoots, where the subjects will have given verbal consent to be photographed. Individuals who are photographed while attending a public event or who verbally agree to participate in a photo shoot will be understood to have authorized Neumont to use their likeness in print and electronic materials to promote the university. The university will retain the usage rights to the photographs in perpetuity. Verbal consent is not required for photographs used for non-promotional purposes only (e.g. graduation slideshow).

How is Directory Information Typically Used?

As stated previously, Neumont University practices caution with the release of any information related to students and their educational records. There are cases, however, where release of information without consent is common practice. Here are some examples:

- o The Neumont Society of Women Engineers would like to provide flowers to female graduates during the commencement ceremony so they ask for information related to their service.
- o A potential employer requests information for students for job interview and employment purposes.
- o Neumont University publishes the names and honors for graduates in the commencement program.

Examples of Requests for Information that Would Not Be Granted:

- o A credit card company wants a directory of all our students so they can push their credit cards.
- o A local business wants student email addresses so they can solicit business via email.
- o A man appears in the Registrar's Office claiming to be a student's landlord, or uncle, or a friend and wants to know what class the student is attending right now so he can find the student.
- o Someone calls the Registrar's Office and wants us to give identifying information such as birth date and Social Security information for a student to them over the phone.

Restricting the Release of Directory Information

According to FERPA, a currently enrolled student can request that the institution not release any directory information about him/her and the institution must comply with the request. To restrict the release of information, written notification must be returned to Neumont University Registrar's Office: 10701 S. Riverfront Parkway, Suite 300, South Jordan, UT, 84095. Directory Information will then be withheld indefinitely until the Office of the Registrar receives, in writing, a revocation of the request for nondisclosure.

Students who wish to restrict directory information should realize that their names will not appear in the commencement program, on the published (campus only) Dean's/Founder's Award lists, and other university publications. Also, employers, loan agencies, scholarship committees and the like will be denied any of the student's directory information. Usually, it is to the student's advantage to have information related to their education available to these important constituents.

Filing a Complaint Related to FERPA

Students have the right to file a complaint with the Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C., 20202-4605.

Questions

Questions related to our Educational Records Policy should be directed to the Office of the Registrar at (801) 302-2876 or Larry.Crandall@Neumont.edu.

Special Thanks to the Westminster College Registrar's Office, Salt Lake City, Utah, for use of their FERPA information page