



### **2.2.3 Family Educational Rights and Privacy Act (FERPA)**

The University of San Diego adheres to and complies with the Family Education Rights and Privacy Act of 1974 (FERPA or the “Buckley Amendment”). FERPA protects the privacy of the education records of students who are or who have been in attendance at the university. FERPA does not apply to the records of an individual who was an unsuccessful applicant for admission to the university, or otherwise was not in attendance at the university.

All members of the university community who have access to student education records are required to comply with this policy. Employees who have access to student education records are required to complete an online tutorial regarding FERPA and its requirements.

The university affords current and former students with the right to inspect and review their education records within 45 days of written request for access. FERPA identifies certain types of records that are not subject to inspection and review by students or otherwise not considered to be education records.

Unless the disclosure is subject to an applicable exception under FERPA, the university will not release personally identifiable, non-directory information derived from a student’s education records or allow access to those records without the prior written consent of the student. Except in the case of direct disclosure to the student, the consent must be written, signed and dated, and must specify the records to be disclosed and the identity of the recipient. Parents and legal guardians do not have the right to view a student’s education records. The university may release such records with the written consent of the student or if the student is the parent’s or legal guardian’s dependent as defined in the Internal Revenue Code. Parents or legal guardians who wish to obtain access to a dependent student’s education records will be required to file a form annually with the Office of the Registrar requesting release of the records.

The university notifies students annually of their rights under FERPA. The annual notice also specifies the categories of information that are designated by the university as directory information. The university will allow a reasonable period of time after the annual notice is provided for the student to inform the university in writing that information designated as directory information should not be released without the student’s prior written consent. Directory information may appear in public documents and may otherwise be disclosed without the student’s consent unless the student objects as described above.

A student who believes that information contained in his or her education records is inaccurate, misleading or otherwise in violation of his or her privacy rights may submit a written request to the Office of the Registrar or other appropriate office, specifying the document(s) being challenged and the basis for the complaint. Within a reasonable period of time following receipt of the written request, the appropriate office will decide whether to amend the records in accordance with the request. If the decision is to refuse to amend the records, the student will be notified of the decision and will be advised of a right to a hearing.

A student may initiate a hearing by submitting a request in writing to the Vice President of Academic Affairs and Provost within 60 days of receiving notice of the university's denial of a student's written request to amend the education records at issue. The university will hold a hearing within a reasonable time after it has received the student's written request for a hearing. The student will be given reasonable advance notice of the date, time and place of the hearing. The hearing will be conducted by a university official who does not have a direct interest in the outcome of the hearing. The student will be given a full and fair opportunity to present evidence relevant to the issues raised to support the student's belief that the information contained in the education records at issue is inaccurate, misleading or otherwise in violation of his or her privacy rights. The university will make its decision in writing within a reasonable period of time following the conclusion of the hearing. The decision must be based on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision. The written decision will be provided to the student, the Office of the Registrar and any other university officials who have a business reason to be informed of the decision. If a student is dissatisfied with the results of a hearing, the student may place a statement in the records to that effect.

If a student believes that the university has not fully honored his or her privacy rights under FERPA, a written complaint may be filed with the Family Policy Compliance Office, United States Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202-4605.

For more information, please contact the University's FERPA website or the Office of the Registrar.

(November 13, 2006)