

Disclosure of Student Records

Villanova University, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, has adopted this Student Records Policy to address the following issues with respect to education records: (1) disclosure of directory information; (2) confidentiality of personally identifiable information; and (3) student rights to inspect, review and seek amendment of their records. In general, education records are defined as records maintained in any form by the University that are directly related to a student.

I. Disclosure of Directory Information

Information concerning the following items about individual students is designated by the University as directory information and may be released or published without the student's consent: full name; student identification number; address (local, home or electronic mail); telephone number; photograph or video; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; degrees, honors and awards received (including Dean's List); most recent previous educational institution attended; participation in officially recognized University activities and athletics; and weight and height of members of athletic teams. Students who do not wish directory information to be released or made public must inform in writing the Office of the Registrar.

II. Confidentiality of Personally Identifiable Information

All personally identifiable information contained in student records other than directory information is considered confidential information. This information includes, but is not necessarily limited to: academic evaluations; general counseling and advising records; disciplinary records; financial aid records; letters of recommendation; medical or health records; clinical counseling and psychiatric records; transcripts, test scores, and other academic records; and cooperative work records. "Personally identifiable information" means that the information includes: (a) the name of the student; (b) the address of the student; (c) a personal identifier such as social security number; or (d) a list of personal characteristics or other information that would make the student's identity easily traceable.

The University will generally not disclose personally identifiable information to third parties without the written consent of the student. The signed and dated consent should specify the records to be disclosed, the purpose of the disclosure, and to whom the records are to be disclosed. However, personally identifiable information may be disclosed, without the student's consent, to the following individuals or institutions, in accordance with FERPA, including in the following circumstances:

- To University officials (or office personnel ancillary to the officials) who require access for legitimate educational purposes such as academic, disciplinary, health or safety matters. University officials may include, without limitation, the Board of Trustees, the President, Vice Presidents, Deans, Directors, Department Chairs, Faculty Members, ROTC Commanding Officers, attorneys in the Office of the Vice President and General Counsel, Judicial Officers, Counselors, Resident Advisers, Coaches and Admissions Officers. University officials also include contractors, consultants, volunteers and other outside parties, such as an attorney or auditor providing services on behalf of the University for which the University would otherwise use employees.
- To the party(ies) who provided or created the record(s) containing the personally identifiable information.
- To officials of other educational institutions to which the student seeks or intends to enroll or where the student is already enrolled, for purposes related to the student's enrollment or transfer (on condition that the student upon request is entitled to a copy of such records).
- To appropriate federal, state or local officials or authorities, consistent with federal regulations.

- To the U.S. Attorney General (or designee) pursuant to an ex parte order under the U.S. Patriot Act in connection with certain investigations or prosecutions.
- To organizations conducting studies for, or on behalf of, educational agencies or institutions.
- To accrediting organizations to carry out their accrediting functions.
- To parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.
- To parents of a student under the age of 21, where the information pertains to violations of any federal, state or local law or of any University rule or policy governing the use or possession of alcohol or a controlled substance, and the student has committed a disciplinary violation.
- In connection with the student's application for, or receipt of financial aid.
- To comply with a judicial order or lawfully issued subpoena (on condition that a reasonable effort is made to notify the student of the order or subpoena, if legally permitted to do so).
- In case of an emergency, to appropriate parties, including parents, to protect the health or safety of the student or other individuals, where the University determines that there is an articulable and significant threat to the student or other individuals.
- The disclosure of information concerning registered sex offenders provided under state sex offender registration and campus community notification programs.
- The outcome of a disciplinary proceeding to a victim of or alleged perpetrator of a crime of violence or non-forcible sex offense.
- The outcome of a disciplinary proceeding where a student is an alleged perpetrator of a crime of violence or non-forcible sex offense and is determined to have violated the University's rules or policies.

If required under FERPA, the University will inform a party to whom a disclosure of personally identifiable information is made that it is made only on the condition that such party will not disclose the information to any other party without the prior written consent of the student.

III. Non-Education Records

The following are not considered education records, and thus are not protected by FERPA and this policy:

- Employment records of students as University employees.
- Campus law enforcement records created and maintained by the Public Safety Office, in accordance with the requirements of FERPA.
- Records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in his or her paraprofessional capacity, and that are made, maintained, or used only in connection with treatment of the student and are disclosed only to individuals providing the treatment. These records may be reviewed, however, by a physician or other appropriate professional of the student's choice.
- Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons, that are in the sole possession of the maker of the record and are not accessible or revealed to any other individual except a temporary substitute for the maker.
- Records that only contain information about a person after that person was no longer a student at the University and that are not directly related to the individual's attendance as a student (e.g., information collected by the University pertaining to accomplishments of its alumni).
- Grades on peer graded papers before they are collected and recorded by a faculty member.

IV. Inspection and Review Rights; Right to a Hearing

A currently or previously enrolled student has the right to inspect and review his or her educational records. This right does not extend to applicants, those denied admission, or those admitted who do not enroll. Offices may require that requests for access be submitted in writing, and may ask for, but

not require, the reason for the request. The University will comply with requests to inspect and review a student's records that it has determined to honor within a reasonable period of time, but in no case more than forty-five days after the request was made.

Records to which students are not entitled to access include:

- Confidential letters and statements of recommendation placed in a student's record before January 1, 1975, or confidential letters and statements of recommendation to which students have waived their rights of access.*
- Financial records of the parents of the student or any information contained in those records.
- Those portions of a student's records that contain information on other students.
- Those records listed in Section III above.

A student who believes that any information contained in his or her educational records is inaccurate or misleading, or otherwise in violation of his or her privacy rights, may request that the University amend the records. The student should first discuss his or her concerns with the individual responsible for the office where the records are maintained. If the student is not satisfied with the resolution, the student should contact the individual to whom that person reports. If still not satisfied, the student may contact the appropriate vice president or designee. The final level of appeal is a formal hearing. To obtain a hearing, the student should file a written request with the Vice President for Student Life. The hearing will be conducted in accordance with the requirements of FERPA.

The substantive judgment of a faculty member about a student's work (grades or other evaluations of work assigned) is not within the scope of a FERPA hearing. A student may challenge the factual and objective elements of the content of student records, but not the qualitative and subjective elements of grading.

If as a result of a hearing the University determines that a student's challenge is without merit, the student will have the right, and will be so informed, to place in his or her records a statement setting forth any reasons for disagreeing with the University's decision.

Students have a right to file complaints concerning alleged failures by the University to comply with the requirements of FERPA and the implementing regulations.

*Students may be invited but not required to waive their right of access to confidential letters of recommendation for admission, honors or awards, or employment. Failure to execute a waiver will not affect a student's admission, receipt of financial aid, or other University services. If a student signs a waiver, he/she may request a list of all persons making confidential recommendations.

Complaints should be addressed to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington DC 20202-5901. Students are encouraged to bring any complaints regarding the implementation of this policy to the attention of the Vice President and General Counsel.