

Privacy Policy – The Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974, as amended, is a Federal law which states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of student education records.

Pacific School of Religion and the Graduate Theological Union accord all the rights under the law to students who are declared independent. No one outside the institution shall have access to nor will the institution disclose any information from students' education records without the written consent of students except to personnel within the institution, to persons or organizations providing students financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health or safety of students or other persons. All these exceptions are permitted under the Act.

Within the Graduate Theological Union community, only those members, individually or collectively, acting in the students' educational interest are allowed access to appropriate segments of student education records. These members include personnel in the office of Academic Affairs and Dean (including Registrar and Assistant to the Dean, Common Registrar), Faculty Advisors, Financial Aid Office, and the Business Office, and other academic personnel within the limitations of their need to know.

At its discretion the institution may provide Public Information in accordance with the provisions of the Act to include: student name, address, telephone number, email address, photograph, date of birth, place of birth, area of study, year in school, enrollment status (graduate, full-time, half-time, less than half time), dates of attendance, degrees received from this institution, dissertation or thesis title, religious affiliation/order, scholarships and honors, most recent previous degree and school, country of citizenship, school/school affiliation.

Students may withhold Public Information by notifying the GTU Common Registrar or PSR Registrar in writing by the first registration deadline of Fall semester at registrar@gtu.edu or registrar@psr.edu respectively. A form for this notification is also available from the Common Registrar. Requests for non-disclosure will be honored by the institution for only one academic year; therefore authorization to withhold Public Information must be filed annually in the Common Registrars Office and registrar of school of affiliation.

The law provides students with the right to inspect and review information contained in their education records, to challenge the contents of their education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if the decisions of the hearing panels are unacceptable. The Common Registrar at the Graduate Theological Union has been designated by the institution to coordinate the inspection and review procedures for student education records, which include admissions, personal, academic, and financial and placement records. Students wishing to review their education records must make written requests to the head of the appropriate office as listed in the Directory of Student Educational Records, listing the item or items of interest. Only records covered by the Act will be made available within forty-five days of the request. Students may have copies made of their records with certain exceptions (e.g., a copy of the academic record for which a financial “hold” exists or a transcript of an original or source document which exists elsewhere). Official transcripts are available for a charge per copy that may be found on the [Tuition and Fees](#) page. Student education records do not include records of instructional, administrative, and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute; employment records; or alumni records.

Students may not inspect and review the following as outlined by the Act: confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student. The institution 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.

Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights may discuss their problems informally with the Registrar or Office of Academic Affairs. If the staff decisions are in agreement with the student’s requests, the appropriate records will be amended. If not, the students will be notified within a reasonable period of time that the records will not be amended; and they will be informed by the Registrar and Assistant to the Dean of their right to a formal hearing. Student requests for a formal hearing must be made in writing to the Vice President for Academic Affairs and Dean who, within a reasonable period of time after receiving such requests, will inform students of the date, place, and time of the hearings. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or

more persons of their choice, including attorneys, at the students' expense. The hearing panels which will adjudicate such challenges will be appointed by and chaired by the Dean and Vice President for Academic Affairs. The hearing panel will consult with legal counsel as appropriate.

Decisions of the hearing panels will be final, will be based solely on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with the decisions of the hearing panels, if the decisions are in favor of the student. If the decisions are unsatisfactory to the student, the student may place with the education records statements commenting on the information in the records, or statements setting forth any reasons for disagreeing with the decisions of the hearing panels. The statements will be placed in the education records, maintained as part of the students' records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges were unfair or not in keeping with the provisions of the Act may request, in writing, assistance from the President of the institution to aid them in filing complaints with The Family Educational Rights and Privacy Act Office (FERPA), Department of Education, Room 4074, Switzer Building, Washington, D.C. 20202.

DEFINITIONS OF TERMS USED IN FERPA

Student

The term "student" includes an individual who has been admitted to and has enrolled in or registered with any degree or certificate program or registered enrollment as a Special Student, auditor, CEU, or other level of enrollment in courses through Pacific School of Religion. The term "student" an individual who may be active in a program but on leave of absence, internship, of thesis work. FERPA rights are effective upon the student's first registration of a course or first payment for a course after admittance and a student's records are protected under FERPA for the life of the person.

Student Education Records

Student education records mean those records which are directly related to a student and maintained by the institution or by a party acting for the institution. Student education records may include, but are not limited to, academic evaluations, transcripts, test scores and other academic records, general counseling and advising records, disciplinary records, and financial aid records.

The term “student education records” does not include:

- a. “Sole Possession” records created by individuals for the use of memory aid and reference; other personal notes.
- b. Personnel Records or records relating to an individual who is employed in an educationally related position as a result of his or her status as a student (e.g. work-study).
- c. Medical and Health records
- d. Records which contain only information relating to a person after that person is no longer a student, such as information pertaining to alumni. The only exception to this rule are legal name change records submitted after a person is a student at PSR for the purposes of updating official transcripts or ordering diplomas

Public/Directory Information

The term “public information” as used in the PSR FERPA policy is the same as the term “directory information” in the Federal Family Educational Rights and Privacy Act of 1974 and the State of California Education Code.

However in the interest of protecting student privacy, general practices at PSR will interpret “public information” to be limited to student’s name, email address, state or country of birth, area of study, dates of attendance, year in school, degrees or certificates conferred, number of credits registered or unregistered, registered status, dissertation or thesis title, religious affiliation/order, scholarships and honors, most recent previous degree and school , country of citizenship, school/school of affiliation.

For the interest of protecting student privacy, the fields that PSR would not disclose without some additional discretion and discernment are: student address, phone number, date of birth, registered courses, current and past. However PSR retains the right to consider these semi-restricted fields as public directory for third parties with a legitimate and educational need and right to know.

Disclosures that do NOT Require Student Consent

PSR may disclose personally identifiable information educational records without student consent to the following parties:

- School officials with legitimate educational interests
- In connection with a health and safety emergency if knowledge of information is necessary to protect the health and safety of the student or other individuals

- U.S. Comptroller General, U.S. Attorney General, U.S. Department of Education
- State and local officials
- Authorized organizations conducting educational research and services
- Accrediting agencies
- Alleged victim of a crime
- Parent of a Depended Student as defined by the IRS
- Parent of a student under 21 regarding the violation of a law regarding alcohol or drug abuse

Subpoenas of Student Records

In the case of a court ordered or lawfully issued subpoena, PSR makes a reasonable effort to notify the eligible student of the order or subpoena in advance of compliance, so that the eligible student may seek protective action unless the disclosure is in compliance with-

- (A) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
- (B) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
- (C) An *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

Proof of receipt of this notification to the student is not required for PSR to comply with the subpoena. In the cases that proof of receipt of acknowledgement is received by PSR, a record of that receipt of will be kept in the student's educational record so long as the educational record is maintained. In all other cases, a copy of all records relevant to the subpoena will be kept in the student's educational record so long as the educational record is maintained.

Disclosures that DO Require Student Consent

For personally identifiable information disclosures of educational records to a third party other than those listed above, regarding personally identifiable information of students that is not a degree verification, or enrollment verification or what is considered “public directory” information under FERPA, student written consent is usually required.

To submit a form requesting such information for a PSR student(s) contact the PSR registrar at registrar@psr.edu. The form will request that the student verify that the records may be disclosed, state the purpose for the disclosure, and identify the party or class of parties to whom the disclosure may be made. A copy of this form will be kept in the student’s educational record so long as the educational record is maintained.

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