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Retired:

Revised: April 1, 2018

**Approved by: James E.K. Hildreth, Ph.D., M.D.
President and Chief Executive Officer**



Subject: Student Affairs/Registrar - Confidentiality of Student Records- FERPA

PURPOSE:

The Family Educational Rights and Privacy Act (“FERPA”) is a federal law governing privacy rights in students’ school records. FERPA assures students and dependent students’ parents, as appropriate, of their following rights:

- The right to access and review school records; and
- That Meharry Medical College (“MMC”) will protect the confidentiality of the students’ education records.

The purpose of this policy is to assure that MMC’s policies and practices with respect to student education records are in compliance with FERPA.

FERPA applies only to students who are

POLICY STATEMENT:

- A. FERPA applies only to students who are or have been in attendance at a school or institution of education. Therefore, it only applies to students presently enrolled and to alumni, but no to applicants who have not been admitted to the College.
- B. FERPA applies only to living students or alumni; no privacy rights exist under FERPA for deceased individuals.

DEFINITIONS:

Education Records

Education records are records that contain information that is directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution.

Exceptions to “education records” include:

- Records kept in the sole possession of the maker and disclosable to a temporary substitute for the maker of the record.
- Law Enforcement Unit Records maintained for law enforcement purposes.
- Employment Records of employees, whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation

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to the individual's employment.

- Health Records used only for the treatment of the student and made available only to those persons providing treatment.
- Alumni Records which contain information about a student after he or she is no longer in attendance at the College and which do not relate to the person as a student.

Directory Information

Directory information is information that generally would not be considered harmful or an invasion of privacy if disclosed. MMC defines directory information as:

- Student's name;
- Street address;
- Email address;
- Confirmation of enrollments status;
- Dates of attendance;
- Degree received;
- Awards received;
- Area of concentration
- Telephone Number
- Date & Place of Birth
- Classification
- Participation in officially recognized activities

*Note- Any MMC student may withhold disclosure of any or all directory information by notifying, in writing, the Registrar.

PROCEDURE:

RECORDS APPLICABLE TO THIS POLICY

A. FERPA requires MMC keep as confidential records about students that contain personally identifiable information. The education records typically maintained by MMC include academic records such as applications, transcripts, advising records, letters of evaluation, disciplinary records and other personal records such as work-study and financial records. The offices that maintain such records may includes the Deans' Offices, The Office of Student and Academic Affairs at the various Schools, Registrar's Office, Office of Financial Aid, Office of Student Services, and all offices of admissions within the various schools.

RECORDS THAT MAY BE DISCLOSED TO STUDENTS

- A. Students always have the right to review education and all other records that pertain to them with the exception of the following:

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- a. Education records regarding another student even though that information is kept on a record containing information about the requesting student. In that situation, each student has a right to inspect only their information;
 - b. Confidential evaluations of students placed in education records prior to January 1, 1975.
 - c. Evaluation to which students have waived their right of access; and
 - d. The financial records related financial information of students' parents. Any MMC office maintaining such records shall either store such records in a file separate from records subject to review or stamp such records **"CONFIDENTIAL-NOT TO BE RELEASED."**
- B. If a student files a request to review their records, the office maintain the records will remove documents that fall within the preceding four categories of documents from the file before providing it to the student for review.

PROCEDURE FOR A STUDENT TO REVIEW THEIR RECORDS

- A. In order to review education records, the student must submit a dated, written, and signed request along with proper identification to the office that maintains the records. A specially designated person within that office shall give the student a written confirmation of receipt of the request and shall inform the student when the requested records will be made available. The records will be made available to the students as promptly as is reasonably possible, but no later than 30 days after receipt of the request.
- B. On the specified date, the student shall display proper identification and may inspect and review the file under the supervision of the designated person with the office having custody of the records. If a student request a copy of one or more of such records, the requested copies, within limited exceptions (for instance, a copy of education records for a student upon whose records a financial, academic or disciplinary hold exists), shall be transmitted to the student upon payment of a fee, which covers the copying cost.

HOW TO SEEK AMENDMENT OF EDUCATION RECORDS

- A. A student may seek amendment of the content of their records on the grounds that the records are inaccurate, misleading, or in violation of the student's privacy or other rights. A student may not seek amendment regarding the correctness of an assigned grade; the student may only seek amendment regarding the accuracy of the recording of the grade. If a student seeks amendment of their grade under this Policy, the student also should refer to policies of the School, which pertain to grade changes.
- B. A student's first step in seeking amendment of a record is to inform the person

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who prepared the portion of the file the student seeks to have amended and to try to resolve the problem through informal discussions with that person and, if necessary, with the supervisor of the office maintaining the records.

- C. If no agreement is reached through informal discussions, the student may submit a written request for an investigation to the Department of Compliance in the Office of General Counsel. That request must specify which records the student claims are inaccurate, misleading, or in violation of the privacy or other rights of the student.
- D. If the Department of Compliance's review does not result in agreement with the student's claim, then the Campus Mediator will oversee a mediation hearing. Unless the student withdraws the request or asks for a delay, the hearing shall be held within a reasonable time of the Department of Compliance's receipt of the mediation-hearing request.
- E. The Campus Mediator must give the student advance notice of the date, time and place of the hearing, which shall normally be 10 business days, unless there is an urgent need to resolve the matter. At the mediation hearing, the student shall have the opportunity to present evidence in support of the claim. A student may be accompanied by counsel or by anyone else the student selects. Since the hearing is an administrative matter, counsel cannot participate in the discussion.
- F. The Campus Mediator shall render a decision in writing within a reasonable period of time after the hearing. The decision shall be based solely on the evidence presented and will include a summary of the evidence and the reasons for the decision.

RECORDS DISCLOSED TO PERSONS OTHER THAN STUDENT

- A. Personally identifiable information generally will not be released from an education record without the student's written consent. In addition, MMC does not sell lists of names of its students or alumni, nor does it respond to requests for such lists, except upon the approval of the President or President's designee. A student may, however, authorize in writing the disclosure of records containing personally identifiable information to a specified class of organizations or persons.
- B. FERPA authorizes release of education records without the student's consent in certain limited circumstances:
 - a. To individuals seeking only directory information;
 - b. To MMC officials with a legitimate educational interest in seeing the records.
 - c. To officials of other educational institutions in which the student seeks enrollment or intends to enroll. In this situation, MMC will make a

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reasonable attempt to notify the student of the intended transfer of records and shall, upon request, give the student the opportunity to receive copy of the records and have a hearing if one is requested, to seek amendment of the content of such records.

- d. To authorized federal officials auditing or evaluation federally or state supported educational programs and to state officials to whom information from student records is required by statute to be disclosed;
- e. To persons processing students' financial aid applications to determine a student's eligibility, the appropriate amount of aid, the conditions that should be set for aid, or the enforcement of such conditions;
- f. To organizations conducting studies for educational agencies in connection with predictive tests, student aid programs, and the improvement of instruction. In such a situation, MMC will ensure reasonable steps are taken so that the student does not personally identify parents and students to anyone other than representative of these organizations; and the organizations will destroy the information when it is no longer needed for the study.
- g. In order to comply with a 1997 federal statute designed to advance military recruiting, dates of birth may be released to the U.S. Department of Defense unless the student notifies MMC that he or she wishes this information withheld;
- h. To accrediting organizations;
- i. To parents of a student who is dependent on those parents for federal income tax purposes;
- j. In an emergency, to appropriate persons if the knowledge of information from a student's records is necessary to protect health or safety of the student or other persons'
- k. To comply with a judicial order or lawfully issued subpoena. Before complying with the order or subpoena, the Office of General Counsel will make a reasonable effort to notify the student of the order or subpoena.
- l. Generally, records of disciplinary hearings may only be disclosed with the student's written consent, under legal compulsion, or in cases where the safety of persons is involved. However, MMC may divulge to an alleged victim of any crime of violence the results of any disciplinary proceedings conducted by MMC against the alleged perpetrator of such crime with respect to such crime.

NOTICE TO STUDENTS THAT DISCLOSURE WAS OR WILL BE MADE TO PERSONS OTHER THAN STUDENTS

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- A. When a student's records or information from such records are disclosed to any organization, agency, or individuals, a transmittal letter will be sent to the recipient of the records informing the recipient that such records or information are not to be disclosed to any other party without prior written consent of the student. In addition, the recipient will be notified in writing that, if compliance with this requirement is not acceptable, all records must be returned unopened to MMC.
- B. Each office that maintains education records shall keep with the records of each student a form that lists, the names of all parties who have requested or received education records for legitimate interests that the parties had in making the requests or obtaining the information.

GENERAL PROVISION

If a student feels that MMC has failed to comply in some way with FERPA or with federal regulations implementing FERPA and the student believes that MMC has failed to answer their complaint satisfactorily, they have the right to file a complaint containing specific allegations of fact giving reasonable cause to believe that a violation of FERPA or its implementing regulations has occurred, with the Family Policy Compliance Office, United States Department of Education, Washington, D.C. 20202-4605.

EXHIBITS: