 <b>KANSAS HEALTH SCIENCE UNIVERSITY</b>	Policy Title:	FERPA Policy and Procedure			
	Policy Sponsor(s):	Human Resources			
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## 1. POLICY STATEMENT

Protecting student information is an integral component of the Kansas Health Science University (KHSU)-Kansas College of Osteopathic Medicine’s (KansasCOM) operation. As an organization that receives funds under program(s) administered by the U.S. Department of Education, we are subject to the requirements and responsibilities under the Family Educational Rights and Privacy Act of 1974, otherwise “FERPA”.

FERPA is a federal law regarding the privacy of student records and the obligations of the institution, primarily in the areas of release of the records and the access provided 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.

## 2. PURPOSE

This policy aims to ensure that faculty and staff (employees) of KHSU-KansasCOM maintain full compliance with FERPA. FERPA requires education institutions to annually notify active students of their rights under the Act regarding access to their education records and certain protections regarding the privacy of personally identifiable information in those records. FERPA was implemented to establish and protect the rights of students to inspect, review, and amend their education records. KHSU-KansasCOM works diligently to apply FERPA protections in addition to a person’s right to a general regard for privacy, in the broadest sense possible, to protect the information of enrolled students, prospective students, and alumni. This policy is issued in compliance with that requirement.

## 3. APPLICABILITY


This policy applies to all employees of KHSU-KansasCOM who have access to student information. FERPA rights apply to students upon enrollment, which occurs when the student has been admitted to the university and attends any portion of a course. FERPA does not apply to records of applicants for admission who are denied acceptance or, if accepted, do not attend the institution.

## 4. DEFINITIONS

### 4.1 Directory Information

Information specifically contained in a student’s education record that would not generally be considered harmful or an invasion of privacy if disclosed.

- a. Directory information is defined as: the student’s name; address; telephone number; electronic mail address; photograph; 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; degree sought, expected date of completion of degree requirements and graduation participation in officially recognized activities; degrees, honors and awards received; previous educational agency or institution attended and class rosters within the classroom.

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- b. Directory information does not include a student's social security number or student identification (ID) number, except as provided in the above paragraph.

#### 4.2 Education Records

Those records directly related to a student and maintained by an educational agency or institution or their designee.

Education records contain information that personally identifies a student, including the student's name, student identification number/social security number, student address, parent/family member names, and a list of personal characteristics. Education records are official and confidential. Education records include a range of information maintained in any recorded way, such as handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. Education records include, but are not limited to:

- Parent(s) and/or guardian addresses, and parent(s)/guardian contact information
- Grades, test scores, courses taken, academic specializations and activities, and official letters regarding a student's status in school
- Special education records
- Disciplinary records
- Medical and health records that the school creates or collects and maintains;
- Documentation of attendance, schools attended, courses taken, awards conferred, and degrees earned
- Personal information such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student

Personal notes made by school officials that are not shared with others are not considered part of the education records. Admissions documents become part of the education records once the student attends courses. FERPA does not apply to records of applicants for admission who are denied acceptance or, if accepted, do not attend the institution. Education records are permanently maintained and stored in the Office of the Registrar, both electronically with a secure backup file and/or in secure fire-resistant file cabinets.


#### 4.3 Eligible Student

For purposes of compliance with FERPA, KHSU-KansasCOM considers all students to be independent.

#### 4.4 Personally Identifiable Information

Information that includes, but is not limited to, the following:

- The student's name
- The name of the student's parent or other family members
- The address of the student or student's family

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- A personal identifier, such as the student’s social security number, student number, or biometric record
- Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name
- Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge or the relevant circumstances to identify the student with reasonable certainty
- Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates

## 5. PROCEDURES

### 5.1 Student’s Rights under FERPA

Students must be permitted to exercise their rights under FERPA. Every eligible student has the right to:

- Right to restrict the release of “directory information” except to school officials with legitimate educational interests and others as indicated herein. To restrict the release of directory information, a student must submit a written request to the Office of the Registrar.
- Inspect and review their education records within forty-five (45) days after submitting a written request to review such records, with the exception of financial records and confidential letters and statements of recommendation placed in the education record where the student waived their right to inspect and review them, and those letters and statements are related to the student’s admission to the institution, employment, or receipt of an honorary recognition.
- Request amendments to a student’s education records if the student believes the record is inaccurate or misleading.
- Request a hearing to challenge the content of the student’s education records on the grounds that the information within the record is accurate, misleading, or in violation of the student’s privacy rights if KHSU-KansasCOM decides not to amend the education records as requested by the student and in accordance with procedures in the *Student Handbook and Academic Catalog*.
- Consent to disclosures of personally identifiable information within the student’s education records, except to the extent that FERPA authorizes disclosure without consent, as described in more detail below.
- File a complaint with the Family Policy Compliance Office, U.S. Department of Education, to allege a failure by the institution to comply with FERPA’s requirements.

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- The name and address of the office that administers FERPA is:

**Family Policy Compliance Office**  
*U.S. Department of Education*  
 400 Maryland Avenue, SW  
 Washington, D.C. 20202-5920.

## 5.2 Disclosure of Education Records

Except as stated in Section 5.3 and Section 5.4, before KHSU-KansasCOM can disclose personally identifiable information from a student's education records, the eligible student must provide the institution with a signed and dated written consent (electronic or hardcopy). The consent must:


- specify the records that may be disclosed;
- state the purpose of the disclosure; and
- identify the person(s) to whom the disclosure can be made.

Upon request, KHSU-KansasCOM must provide the student with a copy of the records disclosed.

## 5.3 Exceptions Permitting the Disclosure of Education Records

KHSU-KansasCOM may disclose personally identifiable information from a student's education record without student consent if the disclosure is:

- To school officials within the agency or institution determined to have legitimate educational interests. A school official is a person employed by KHSU-KansasCOM in an administrative, supervisory, academic, research, or support staff position; a person or company with whom KHSU-KansasCOM has contracted (such as an attorney, auditor, collection agent, or official of the U.S. Department of Education or other federal agency); a person serving on the Board of Trustees; or a student serving on an official committee or assisting another school official in performing tasks. A school official has a legitimate educational interest if the official needs to review the education records in order to fulfill their job or professional responsibilities.
- To officials of another school where the student seeks or intends to enroll, or is already enrolled, so long as the disclosure is related to the student's enrollment or transfer.
- To authorized representatives of the following: Comptroller General of the United States; Attorney General of the United States; Secretary of the Department of Education; or State and local educational authorities.
- For purposes of determining a student's eligibility for financial aid for which the student has applied or received, as well as enforcing the terms and conditions of the aid.
- To State and local officials or authorities to whom this information is specifically allowed to be reported or disclosed pursuant to a State statute.
- To organizations conducting studies for, or on behalf of, KHSU-KansasCOM in limited circumstances

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- To accredited organizations to carry out their accrediting functions.
- To comply with a judicial order or lawfully issued subpoena.
- In connection with a health or safety emergency pertaining to a threat to the health or safety of the students or others.
- Information KHSU-KansasCOM has designated as “directory information,” and the school has given the eligible student notice of the kinds of information they designate as directory information and an opportunity to opt out of directory information disclosures.
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, limited to the disclosure of the final results of the disciplinary proceeding conducted by KHSU-KansasCOM with respect to that alleged crime or offense. If the alleged victim is deceased as a result of the crime or offense, the information shall be provided, upon written request, to the next of kin of the alleged victim.
  - Alleged victims and perpetrators in sexual misconduct and sexual harassment incidents have a right to be informed of the outcome and sanctions of a hearing, in writing, without condition or limitation, and to be kept apprised of the status of investigations.
  - Concerning sex offenders and other individuals required to register under the Violent Crime Control and Law Enforcement Act of 1994, and the information was provided to the KHSU-KansasCOM under applicable statutes and Federal guidelines.

#### 5.4 De-identified Records and Information

KHSU-KansasCOM may release education records or information without student consent only after all personally identifiable information has been removed and KHSU-KansasCOM or an authorized outside party has made a reasonable determination that a student’s identity is not personally identifiable. This is known as “de-identified records and information.”


#### 5.5 Notification Requirements

KHSU-KansasCOM must annually notify eligible students currently enrolled of their FERPA rights. In addition to the student’s rights, this notification must also include the following:

- Procedures for exercising the right to inspect, review, and seek an amendment to the education records; and
- Criteria for disclosing information to school officials and authorized third parties, i.e., contractors, consultants, etc.
- right to restrict the release of “directory information.”

#### 5.6 Recordkeeping

KHSU-KansasCOM must maintain a record of each request for access to and each disclosure of personally identifiable information from a student’s education records along with the education records for as long as they are maintained. These records must include the name of the parties receiving personally identifiable information

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from the education records and the legitimate interests the parties had in requesting/obtaining the information. KHSU-KansasCOM may not destroy any education records if there is an outstanding request to inspect or review those records.

### **5.7 Mandatory Training**

All KHSU-KansasCOM faculty and staff are required to complete annual FERPA training. Training is offered through a third-party provider, and records of completion are maintained by the Office of Human Resources.

## **6. RELATED DOCUMENTS**

- Student Handbook and Academic Catalog

## **7. CONTACTS**

- Human Resources
- Senior Associate Dean for Student Affairs and Strategic Academic Programs
- Office of the Registrar