

University Policy 4.01.01

FERPA and Student Directory Information

Revised Policy Approval Date: January 11, 2007

Revised Policy Effective Date: April 1, 2007

Revised Procedure Approval Date: July 8, 2020

Revised Procedure Effective Date: September 1, 2020

POLICY STATEMENT

Capella University complies with the provisions of the 1974 Family Educational Rights and Privacy Act (FERPA) which regulates the confidentiality of data in student education records and the terms for its disclosure. A copy of the act is on file in the Admissions & Records Operations department. The registrar and the legal department are the officials responsible for ensuring compliance with the act and creating relevant policies and procedures regarding the release of student education records and related information under the act.

RATIONALE

As an institution of higher education receiving federal funds, Capella University is required to adhere to the provisions of the Family Educational Rights and Privacy Act (FERPA). This policy identifies students' rights to inspect and review their educational records under FERPA, to request amendments of their records, to expect protection of their records under the regulation, and to file a complaint against the university alleging failure to comply with FERPA requirements. Further, the policy defines directory information and the process for granting or denying requests for the release of that information.

The policy also establishes the registrar and the legal department as responsible for enforcing compliance with this regulation and for communicating to students the annual notification of their privacy rights.

DEFINITIONS

Education Records

Education records as defined by Section 99.3 of FERPA are "(1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution."

Officially Recognized Activities

Officially recognized activities are university-sponsored extracurricular clubs, organizations, and activities outside a student's academic coursework. These may include but are not limited to honor societies, professional organizations, and committees. University-recognized activities do not include registered courses, such as residencies and site-based learning.

PROCEDURES

I. Policy Scope

- A. The scope of FERPA as outlined in Section 99.3 of FERPA is “any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.”
- B. For purposes of Capella University, this policy pertains to all individuals who have been admitted to Capella University or have otherwise engaged in academic or professional development coursework offered by Capella University, including those enrolled as non-degree students or within non-credit continuing education offerings.

II. Education Records

- A. At Capella University, education records include records that are directly related to a student which are maintained by Capella University, including but not limited to the following documents, whether in electronic or any other format:
 - 1. Documents collected or created during the application process, including but not limited to the university application, professional history, and transcripts.
 - 2. Documents collected or created during the course of an academic program, including but not limited to transcripts, test scores, grades, university advising records, financial aid information, academic dishonesty records, student conduct files, and records of educational services provided to the student.
 - 3. Official correspondence to or from a student pertaining to their academic progress, advising, financial status, learning disability records, physical disability records, academic dishonesty records, and disciplinary and student conduct records.
- B. Education records do not include the following:
 - 1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
 - 2. Records related to individuals employed by the institution that are made and maintained in the normal course of business, related to individuals exclusively in their capacity as employees, and not used for any other purpose.
 - 3. Records relating to a student that are 1) originated or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional capacity or assisting in a paraprofessional capacity; 2) made, maintained, or used solely in connection with providing treatment to the student; and 3) not disclosed to anyone other than individuals providing such treatment. “Treatment” in this context does not include remedial educational activities or activities that are part of the program of instruction at the institution.
 - 4. Records created or received by Capella University after a student is no longer a student and that are not directly related to the former student’s attendance as a student.
 - 5. Records such as course syllabi which are intended for general use and hold no personal student information.

III. Notification of Rights under the Family Educational Rights and Privacy Act (FERPA)

FERPA provides students certain rights with respect to their education records. The rights include:

- A. The right to inspect and review the student's education records within 45 days of the university receiving a request for access. Students must submit a written request to the Admissions & Records Operations department identifying the record(s) they wish to review. The Admissions & Records Operations department will make arrangements for access and notify the student of procedures for records access and inspection.
- B. The right to request the amendment of the student's education records where the student believes information is inaccurate or misleading. Students may ask the university to amend a record they believe is inaccurate or misleading. To do so, students must submit a written request to the Admissions & Records Operations department clearly identifying the part of the record they want changed, specifying why the record is inaccurate or misleading. If the university decides not to amend the record as requested by the student, the university will notify the student of the decision and advise the student of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when they are notified of the right to a hearing.
- C. The right to provide written consent before the university discloses personally identifiable information contained in education records, except to the extent that FERPA authorizes disclosure without consent. The university discloses education records without a student's prior consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the university in an administrative, supervisory, academic or research, or support staff position (including law enforcement personnel and health staff); a person or company with whom the university has contracted (such as an attorney, auditor, or collection agent); a person serving on the Capella University Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks. A school official has a legitimate educational interest if an education record must be reviewed in order to fulfill their professional responsibility. Upon request, the university may disclose education records without consent to officials of another school in which a student seeks or intends to enroll.
- D. The right to file a complaint with the U.S. Department of Education alleging failures by the university to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:
Student Privacy Policy Office
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202-8520

Students receive notification of their rights under FERPA annually.

IV. Right to Withhold Copies of Official Documents

The university reserves the right to deny copies of official transcripts or other records (not including records required to be made available under FERPA) if the student has waived

their right of review, or if there is an unresolved disciplinary or academic dishonesty action against the student.

Capella University students can request an official transcript from Capella even if they have outstanding debts to the university.

V. Disclosure of Student Information

- A. Information contained in a student's education record that generally would not be considered harmful or an invasion of privacy if disclosed to outside organizations is considered directory information. Directory information may be released without prior student consent upon request by any individual or agency.

At Capella University, directory information is defined as the following:

1. Student name
2. State or country of residence
3. Address
4. Month and day of birth
5. Email address
6. Primary phone number
7. School affiliation
8. Program
9. Field of study
10. Class level (freshman, sophomore, junior, senior, graduate, or year in program)
11. Enrollment status
12. Certificates or degrees received, and dates conferred
13. Prior educational agency or institution attended
14. Dates of attendance
15. Photographs (individual photographs posted by students in the courseroom or group photographs taken at public events; this does not include photographs to be used for marketing materials)
16. Anticipated graduation date
17. Honors and awards
18. Participation in officially recognized activities

- B. Capella University reserves the right to not release pieces of directory information through phone, email, or Campus.

C. Withholding Consent for Disclosure

1. FERPA provides students the right to withhold disclosure of their directory information. Students are encouraged to carefully consider the ramifications of withholding directory information. Without subsequent written consent from the student, withholding the disclosure of directory information will prohibit the university from publishing the student's name in commencement programs, completing employer verifications, and complying with other common requests for directory information.
2. Students who want to withhold consent for the disclosure of their directory information may do so on Campus. Admissions & Records Operations staff will identify the records of these students, and their directory information will not be released.

- D. FERPA generally requires prior written consent from the student before an educational agency or institution may disclose personally identifiable, non-directory information from education records to a third party. However, the law contains exceptions to this general rule. Exceptions that permit the release of personally identifiable information without the student's prior written consent are set forth in federal regulations at [34 CFR. 99.31](#).

VI. All procedures in this policy apply to students in programs in GuidedPath and FlexPath formats.

POLICY OWNERS

Academic Owner: Registrar

Operations Owner: Registrar, University General Counsel

RELATED DOCUMENTS

University policy 4.01.02 Retention of Student Records and Work Products

University policy 4.01.03 Retaining Student Work Products and Grading Records

REVISION HISTORY

Original Policy Approval Date: August 2, 2004

Revision Dates: 4-1-07; 2-3-12; 8-11-16; 7-8-20

Administrative edits as result of ongoing review: 12-20-07; 10-1-08; 5-27-09; 10-8-09; 11-18-09; 1-13-10; 2-17-10; 5-13-10; 7-8-10; 8-11-10; 1-25-11; 5-17-11; 5-26-11; 7-28-11; 4-24-13; 12-14-16; 4-1-18; 7-1-18; 1-1-19; 8-14-19; 4-1-20; 3-26-21; 5-2-22; 8-2-22; 11-1-22; 7-1-23; 4-1-25