

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT POLICY

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA) is a federal law which controls the confidentiality of, and access to, student education records. The following statement represents Marquette University's policy relating to student education records. (Please note that FERPA may contain additional applicable provisions which are not referenced in this Marquette policy.)

Effective August 15, 1996, the university hereby adopts as its policy with respect to the maintenance, inspection, review and disclosure of student "education records" the following, as far as authorized, permitted or required by FERPA.

1. Definitions

For the purposes of this policy, Marquette University has used the following definitions of terms.

Student — any person who attends or has attended Marquette University.

Education records — any record (in handwriting, print, tapes, film, electronic, or other medium) maintained by the university or an agent of the university that is directly related to a student, except:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.
3. Records which are created and maintained by Public Safety for law enforcement purposes.
4. Records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity and which are used only in connection with the treatment of a student and which are disclosed only to individuals providing that treatment.
5. Alumni records that contain information about a student after he or she is no longer in attendance at the university and which do not relate to the person as a student.

Parent — includes a natural/adoptive parent of a student, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

Qualified parent — is either (1) a parent who has been given written consent by a student for the parent to review the student's education records or (2) a parent who has claimed the student as a dependent as defined in section 152 of the Internal Revenue Code of 1954 in the most recently ended tax year.

Record custodian — university employee, or designee, who maintains education records.

School official is:

- A person employed by the university in an administrative, supervisory, academic, research, or support staff position.
- A person elected to the Marquette University Board of Trustees.
- A person hired or utilized by the university on a temporary basis to perform a special task (e.g., attorneys, auditors).
- A person utilized by the university for the purposes of verifying scholarship eligibility information and/or selecting scholarship recipients.

A school official has a legitimate educational interest if the official is:

- Performing a task specified in his/her position description or pursuant to written/oral direction from appropriate supervisory personnel.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, honor societies and academic honors consideration, or financial aid.

2. Annual Notification

Students will be notified of their FERPA rights annually by publication of this policy in the student handbook. Additionally, this policy will be posted on the Marquette Web site (www.marquette.edu). Copies of this policy may be obtained at the Office of Student Development.

3. Procedure to Inspect Education Records

Students may inspect and review their education records upon request to the office of the appropriate record custodian, hereafter referred to as "record custodian." (see following listing of Academic Records/Education Records: Type, Location, Custodians)

- An official "Request to Inspect Education Records" form must be submitted to the appropriate record custodian(s). Forms may be obtained from any record custodian identified herein.
- The request must specify and identify as closely as possible the desired records.
 1. At the time of the request, the student must provide proper identification (photo I.D.) verifying that he/she is the person whose record is being accessed.
 2. Inspection and review shall be permitted within 45 days from the receipt of the student's request.
 3. The designated staff person(s) must supervise the review of the contents of the record with the student.
 4. Students will be free to make notes concerning the contents, but will not be allowed to remove any materials from the records at the time of inspection.

When a record contains information about more than one student, the student may inspect and review only that portion of the record which relates to him/her.

Academic Records/Education Records

The following is a list of the types of records that the university maintains, their locations, and their custodians (custodian includes his/her designee).

Types	Location	Custodian
Academic Records/ Advising Records (progress, advising, evaluations)	Office of the Dean of each Undergraduate College/School	Dean of the College/School
	Office of the Dean Graduate/Professional School	Dean of the School
	Department Office	Chairperson of the Department
	Program Offices (EOP, FFP, Honors, etc...)	Director of the Program
Admissions File	Office of Undergraduate Admissions Marquette Hall	Dean of Undergraduate Admissions
Enrollment Records	Office of the Dean Graduate/Professional School/Professional Studies College	Dean of the School/College
	Office of the Registrar Marquette Hall	University Registrar
	Office of the Dean Graduate/Professional School	Dean of the School
Career Services Records	Career Services Center Marquette Hall	Director of the Center
Counseling & Testing Records*	Counseling Center Holthusen Hall	Director of the Center
Cumulative Academic Records (grades, transcripts)	Office of the Registrar Marquette Hall	University Registrar
Disabled Student Services	Office of Disability Services Alumni Memorial Union	Coordinator of Disability Services
Disciplinary Records	Office of Student Development Alumni Memorial Union	Dean of Student Development

Types	Location	Custodian
Financial Records	Office of the Bursar M. Carpenter Tower	Bursar
Financial Aid Records	Office of Student Financial Aid 1212 Building	Director of Student Financial Aid
	Office of the Dean Graduate/Professional School	Dean of the School
Health Records*	Student Health Service Schroeder Health Complex	Director of the Service
Intercollegiate Athletics	Department of Intercollegiate & Recreational Sports 1212 Building	Athletics Director
International Student Records	Campus International Programs Alumni Memorial Union	Director of the Program
	Office of the Dean Graduate School	Dean of the School
Miscellaneous Records (student education records not included in the above list)	The appropriate university official/employee will locate and collect such records	The university official/employee who maintains such records

*The confidentiality of counseling and medical records is maintained in accordance with applicable state and federal law defining the circumstances under which information may be released.

4. Right of the University to Refuse Access

The university reserves the right to refuse access to the following records:

1. Financial statements submitted by the parent(s)/guardian or spouse. Such documents are not considered to be part of the student's education records and can only be accessed with written consent of the parent(s)/guardian or spouse.
2. Letters and statements of recommendation for which the student has waived his/her right of access, or which were placed in the file before January 1, 1975.
3. Records connected with an application to attend Marquette University, or a component unit of Marquette University, if that application was denied.
4. Those records which are excluded from the FERPA definition of education records.

5. Refusal to Provide Copies

Although the university will not deny a student access to his/her education records, the university reserves the right to deny a request for copies of education records, including transcripts, in the following circumstances:

1. If the student has an unpaid financial obligation to the university;
2. If there is an unresolved disciplinary action against the student; or
3. If there is an unresolved academic action against the student.

6. Fees for Copies of Records

The university does not routinely provide copies. However, if copies are provided, the fee will be 50¢ per page, plus mailing costs.

7. Disclosure of Education Records

Personally identifiable information from the education records of a student will be disclosed by the university with the prior written consent of the student. However, the university may disclose information without the prior written consent of the student in the following circumstances:

1. To school officials with a legitimate educational interest in the records.
2. To officials of another school, at the request of those officials, in which a student seeks or intends to enroll.
3. To certain officials of the U.S. Department of Education, the U.S. Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. If disclosure is required by certain state laws relating to the juvenile justice system.
6. To organizations conducting certain studies for or on behalf of the university.
7. To accrediting organizations to carry out their functions.
8. To parents of a student who claim the student as a dependent for income tax purposes. A certified copy of the parents' most recent Federal Income Tax Form may be required to verify dependency.
9. To comply with a valid court order or subpoena or to comply with federal law (e.g., the USA Patriot Act).
10. To appropriate parties in a health or safety emergency.
11. To a victim of an alleged perpetrator of a crime of violence or a nonforcible sex offense, the final results of a disciplinary proceeding conducted by the university with respect to that alleged crime or offense. The university may disclose the final results of the disciplinary proceeding, regardless of whether it concluded a violation was committed.
12. Directory information so designated by the university.
13. To parents of students under the age of 21 when laws or university policies regarding alcohol or drugs are violated (see page 196, Parental Notification Policy).

8. Record of Requests for Disclosure

The university will maintain a record of all requests for and/or disclosures of information from a student's education records, other than requests by or disclosures to the student, a school official, a party with written consent of the student, a party with written consent of the student, or a party presenting a valid court order or subpoena which specifically states that the existence or contents of the order/subpoena not be disclosed or a party seeking only directory information. The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by a qualified parent or by the student.

9. Directory Information

Personally identifiable "directory information" from the education records of the student in attendance at the university may be disclosed without the necessity of prior consent of the student concerned as provided by FERPA, subject to the right of the student to inform the university in writing that all "directory information" with respect to him or her shall not be so disclosed. Such notice must be delivered to the Office of the Registrar and will be effective as to such disclosures for the balance of that semester only, except that such a restriction will not apply to material already printed or in the process of being printed. In addition to the above, students have the option to declare whether or not their address(es) and telephone number(s) are to be made public.

The university has designated as "directory information" each of the following items of information: the student's name(s), address(es), telephone number(s), E-mail address, photographs, electronic images, date and place of birth, major field(s) of study and current enrollment status, participation in officially recognized activities, dates of attendance, degrees, awards and academic honors received, Dean's List selection, previous educational institution(s) attended, and program and promotion materials on participants in various sports and similar public activities, including weights and heights of members of athletic teams.

10. Correction of Education Records

Students have the right to request correction of records they believe are inaccurate, misleading, or in violation of their privacy rights. The following are procedures for the correction of records:

1. A student must ask the appropriate record custodian to amend a specific record. In so doing, the student must identify the part of the record the student wants changed, and specify why the student believes it to be inaccurate, misleading, or in violation of the student's privacy rights.
2. After reviewing the request, and within a reasonable time, the record custodian may or may not comply with the request. If the record custodian decides not to comply, the record custodian will notify the student of the decision and advise the student of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, the record custodian will arrange for a hearing and will notify the student reasonably in advance of the date, location, and time of the hearing.

4. The hearing will be conducted by a hearing officer who is a disinterested party. The hearing officer may be an official of the university. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may have an adviser present at the hearing. If the student desires to have an adviser present, the student must notify the hearing officer of this fact, in writing, no later than two working days prior to the hearing. Advisers are normally members of the Marquette community (i.e., current full-time students, faculty, staff). This adviser serves as a support person and is intended to be of direct assistance to the student before and during the hearing. The adviser may not speak for the student nor address the hearing officer. If the adviser is identified as private legal counsel, a law student or a Law School faculty member, the hearing officer may reschedule the time and/or date of the hearing so that Marquette University legal counsel may be present.
 5. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
 6. If the hearing officer decides that the contested information is not inaccurate, misleading or in violation of the student's rights, the hearing officer will notify the student that the student has a right to place in the record a statement commenting on the contested information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If Marquette University discloses the contested portion of the record, it will also disclose the statement.
 7. If the hearing officer decides that the information is inaccurate, misleading, or in violation of the student's rights, the record custodian will amend the record and notify the student, in writing, that the record has been amended.
 8. Grades and academic/performance evaluations may be challenged under this procedure only on the basis of the accuracy of their transcription.
 9. Marquette reserves the right, in its sole discretion, to revise its procedures regarding the Family Educational Rights and Privacy Act at any time and without notice in light of applicable legal requirements or developments.
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