




# National University of Health Sciences General Policies

Title: <b>FERPA – Federal Family Educational Rights and Privacy Act</b>	Page	1	of	11
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President	Date	2-11-09		

## POLICY STATEMENT

The purpose of this document is to advise students of their rights under the Federal Family Educational Rights and Privacy Act, hereinafter referred to as FERPA.

This document sets forth the policy of National University of Health Sciences (NUHS) regarding student records. Wherever the term "student" is used in this document it shall mean any individual who is or has been in attendance at the University and regarding whom the University maintains education records.

## PROCEDURES

### I. NUHS POLICY NOTIFICATION TO STUDENTS

During each orientation for students enrolling at the University for the first time, a copy of this policy shall be given to each student, and each shall be advised that a copy of this policy is available for inspection in the Office of Student Services. Further, reference shall be made in the University Bulletin, to the effect that the University complies with FERPA.

## **II. STUDENT RIGHTS TO INSPECT AND REVIEW EDUCATION RECORDS**

- A. Education records of students have been placed in an in-house electronic data base, where they may be accessed by students and secured by a student password. Thus, they are available to students at any time. The electronic records and paper records of students who are enrolled, or have been enrolled, in all University programs are in the custody of and maintained by the University Registrar of National University of Health Sciences, Janse Hall, 200 East Roosevelt Road, Lombard, Illinois 60148. Student records are preserved in either electronic or paper form as permanent records.
- B. The University, through the Vice President for Academic Affairs (by this title or other title as may be determined from time to time), or his/her designee(s), shall respond to reasonable student requests for explanations and interpretations of education records.
- C. The University shall not destroy any education records if there is an outstanding request to inspect and review the records.
- D. While the University is not required under this policy to give a student access to treatment records, which are, (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, (2) made, maintained, or used only in connection with treatment of the student, and (3) disclosed only to individuals providing the treatment, the student shall be permitted to have those records reviewed by a physician or other appropriate professional of the student's choice.

## **III. FEE FOR COPIES OF EDUCATION RECORDS**

The University shall charge a fee for a copy of an education record which is made for the student, and said fee must be paid by the student prior to his or her receiving the copy. The University shall establish a fee schedule for copies of education records, and said fee schedule shall be maintained and made available to students by the appropriate records custodian upon request. After graduation or withdrawal from the University, no copy of a student's education record shall be sent or delivered to a third party unless the student has no outstanding financial obligation to the University.

#### **IV. LIMITATIONS ON STUDENT RIGHTS TO INSPECT AND REVIEW RECORDS**

- A. If the education records of a student contains information on more than one student, a student may inspect, review, or be informed of only the specific information about him or her.
- B. The University shall not permit a student to inspect and review education records, which are: (1) financial records, including any information those records contain about his or her parents; (2) confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and (3) confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if: (a) the student has waived his or her right to inspect and review those letters and statements; and (b) those letters and statements are related to the student's: (i) admission to the University; (ii) application for employment; or (iii) receipt of an honor or honorary recognition.
- C. A waiver as provided for in paragraph B (a) above is valid only if the University does not require the waiver as a condition for admission to or receipt of service or benefit from the University, and the waiver is made in writing and signed by the student, regardless of age.
- D. If a student has waived his or her rights under paragraph B (a) above the University shall give the student the name(s) of the individual(s) who provided the letters and statements of recommendation, and use the letters and statements of recommendation only for the purpose for which they were intended.
- E. A waiver under paragraph B (a) above may be revoked with respect to any actions occurring after the revocation.
- F. A revocation under paragraph E immediately above must be in writing.

#### **V. PROCEDURES FOR AMENDING EDUCATION RECORDS**

- A. If a student believes his or her education record contains information that is inaccurate, misleading, or in violation of his or her rights of privacy or other rights, he or she may ask the University to amend the record.

- B. The University shall decide whether to amend the record as requested within a reasonable time (forty-five (45) days) after the University receives the request.
- C. If the University decides not to amend the record as requested, it shall inform the student of its decision and of his or her right to a hearing as provided for in Sections VI and VII below.

**VI. CONDITIONS UNDER WHICH A STUDENT HAS A RIGHT TO A HEARING  
RELATIVE TO A REQUEST THAT AN EDUCATION RECORD BE  
AMMENDED**

- A. The University shall grant a student, on request, an opportunity for a hearing to challenge the content of a student's education record on the grounds that the information contained therein is inaccurate, misleading, or in violation of the privacy or other rights of the student.
- B. If, as a result of the hearing, the University decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall: (1) amend the record accordingly; and (2) inform the student of the amendment in writing.
- C. If, as a result of the hearing, the University decides that the information in the education record is not accurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why the student disagrees with the decision of the University, or both.
- D. If the University places a statement in the education record of a student under paragraph C immediately above, the University shall:
  - (1) Maintain the statement with the contested part of the record for as long as the record is maintained; and
  - (2) Disclose the statement whenever it discloses the portion of the record to which the statement relates.

**VII. MINIMUM REQUIREMENTS FOR THE CONDUCT OF A HEARING  
RELATIVE TO A REQUEST FOR AN AMENDMENT TO AN EDUCATION  
RECORD**

- A. The hearing provided for in Section VI shall meet, at a minimum, the following requirements:

1. The University shall conduct the hearing within a reasonable time after it has received the request for the hearing from the student; (A reasonable time is defined as forty-five (45) days.)
2. The University shall give the student notice of the date, time, and place, reasonably in advance of the hearing, i.e., within fourteen (14) days in advance of the hearing;
3. The hearing shall be conducted by an employee of the University who does not have a direct interest in the outcome of the hearing but who does have knowledge of the ethics and generally accepted practices of student record making and maintenance;
4. The University shall give the student a full and fair opportunity to present evidence relevant to the issues covered by Section VI. The student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney;
5. The University shall make its decision in writing within a reasonable period of time (within ten (10) days after the hearing and
6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reason(s) for the decision.

**VIII. CONDITIONS UNDER WHICH THE UNIVERSITY MUST OBTAIN PRIOR  
CONSENT TO DISCLOSE INFORMATION**

- A. Except as provided for in Section IX, the University shall obtain a signed and dated written consent of a student before it discloses personally identifiable information from a student's education record.
- B. The written consent must: (1) specify the record(s) which may be disclosed; (2) state the purpose of the disclosure; and (3) identify the party of class of parties to whom the disclosure may be made.
- C. When a disclosure is made as provided for in paragraph A of this Section VIII, if the student so requests, the University shall provide him or her with a copy of the records(s) disclosed.

**IX. CONDITIONS UNDER WHICH PRIOR CONSENT IS NOT REQUIRED TO  
DISCLOSE INFORMATION**

A. The University may disclose personally identifiable information from the education record of a student without the consent of the student as provided for in Section VIII if the disclosure meets one or more of the following conditions:

1. The disclosure is to other University officials, including teachers, within the University whom the University has determined to have legitimate academic advising interests. Those officials are those who have a responsibility for creating and maintaining education records, for implementing University educational, fiscal and extracurricular policy, and for advising students on all matters related to a student attaining and maintaining good academic standing, and making satisfactory progress. Among those who are considered by the University to have a legitimate educational interest are the following by the title set forth below or other title which may be designated from time to time: the President, the Vice President for Academic Affairs, the Vice President for Administrative Services, the appropriate Dean; the Vice President for Business Services; the University Registrar and those concerned with student records relative to all programs; the Director of Financial Aid; and all faculty.
2. The disclosure is, subject to the provisions set forth in Section XII, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.
3. The disclosure is, subject to the provisions set forth in Section XIII to authorized representatives of: (a) the Comptroller General of the United States Department of Education; or (b) The Secretary of the United States Department of Education; or (c) State and local educational authorities.
4. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
  - (a) determine eligibility for the aid;
  - (b) determine the amount of the aid;
  - (c) determine the conditions for the aid; or

- (d) enforce the terms and conditions for the aid. (As used in this paragraph 4, "financial aid" means a payment of funds provided to an individual, or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual's attendance at the University).
5. The disclosure is to State and local authorities, if a state statute adopted before November 19, 1974, specifically requires disclosures to those officials and authorities; however, a state is not prevented from further limiting the number or type of state or local authorities to whom disclosures may be made as provided for in this paragraph.
  6. The disclosure is to organizations conducting studies for, or in behalf of, educational agencies or institutions to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. However, the University may disclose information as provided for in this paragraph only if the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization, and the information is destroyed when no longer needed for the purposes for which the study was conducted. (As used in this paragraph, the term "organization" includes Federal, State and local agencies, and independent organizations.)
  7. The disclosure is to accrediting organizations to carry out their accrediting functions.
  8. The disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.
  9. The disclosure is to comply with a judicial order or lawfully issued subpoena; however, the University may disclose information under these circumstances only if the University has made a reasonable effort to notify the student of the order or subpoena in advance of compliance.
  10. The disclosure is in connection with a health or safety emergency, under the conditions described in Section X below.
  11. The disclosure is information the University has designated as "directory information", under the conditions described in Section X below.
  12. The disclosure is to the student.

- B. The provisions set forth in sub-paragraphs 1 through 12 of paragraph A immediately above do not forbid or require the University to disclose personally identifiable information from the education record of a student to any of the parties identified in those paragraphs.

**X. RECORD KEEPING REQUIREMENTS CONCERNING REQUESTS AND DISCLOSURE**

- A. The University shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education record of each student. The University shall maintain such record with the education record of the student as long as the education record is maintained. For request or disclosure the record must include: (a) the parties who have requested or received personally identifiable information from the education record; and (b) the legitimate interests the parties had in requesting or obtaining the information.
- B. If the University discloses personally identifiable information from an education record with the understanding set forth in Section XI, the record of the disclosure required under paragraph A of Section X must include: (a) the names of the additional parties to which the receiving party may disclose the information in behalf of the University; and (b) the legitimate interests as set forth in Section IX, which each of the additional parties has in requesting or obtaining the information.
- C. The following parties may inspect the record relating to each student: (a) the student; (b) the school official or his or her assistants who are responsible for the custody of the records; and (c) those parties identified in paragraphs A. (1) and A (3) of Section IX above for the purposes of auditing the record keeping procedures of the University.
- D. Paragraph A above does not apply if the request was from, or the disclosure was to: (a) the student; (b) a University official as provided for in paragraph A (1) of: Section IX; or (c) a party with written consent from the student or (d) a party seeking directory information.



## **XI. LIMITATIONS APPLICABLE TO REDISCLOSURE OF INFORMATION**

- A. The University may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the student. The officers, employees, and agents of a party who receives such information as provided for in this paragraph may use the information, but only for the purposes for which the disclosure was made.
- B. Paragraph A immediately above does not prevent the University from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information in behalf of the University if: (a) the disclosures meet the requirements set forth in paragraph A of this Section IX; and (b) the University has complied with the requirements set forth in paragraph B of Section X.
- C. Paragraph A of this Section XI does not apply to disclosures of directory information as provided for in Sub-paragraph 11 of paragraph A of Section IX or to disclosures to the student as provided for in sub-paragraph 12 of paragraph A of Section IX.
- D. Except for disclosures provided for in sub-paragraphs 11 and 12 of paragraph A of Section IX, the University shall inform a party to whom disclosure is made of the requirements of paragraphs A and B.

## **XII. CONDITIONS APPLICABLE TO DISCLOSURE OF INFORMATION TO OTHER EDUCATIONAL AGENCIES OR INSTITUTIONS**

- A. The University, in disclosing an education record as provided for in sub-paragraph 2 of paragraph A of Section IX shall: (a) make a reasonable attempt to notify the student at the last known address of the student, unless: (i) the disclosure is initiated by the student; or (ii) the disclosure is to another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.
- B. The University shall, upon request of and fee payment by the student, deliver to the student a copy of the record that was disclosed.
- C. Grant the student, upon request, an opportunity for a hearing as provided for in: Section V, VI, and VII above.

- D. The University may disclose an education record of a student in attendance to another educational agency or institution if: (a) the student is enrolled in or receives services from the other agency or institution; and (b) the disclosure meets the requirements set forth in paragraphs A, B and C of Section XII.

**XIII. CONDITIONS APPLICABLE TO DISCLOSURE OF INFORMATION FOR  
FEDERAL OR STATE PROGRAM PURPOSES**

- A. The officials identified in sub-paragraph 3 of paragraph A of Section IX may have access to education records in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements which relate to those programs.
- B. Information that is collected as provided for in paragraph A immediately above must (a) be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in that paragraph and (b) be destroyed when no longer needed for the purposes listed in that paragraph.
- C. Paragraph B immediately above does not apply if: (a) the student has given written consent for the disclosure as set forth in Section VIII; or (b) the collection of personally identifiable information is specifically authorized by federal Law.

**XIV. CONDITIONS APPLICABLE TO DISCLOSURE OF INFORMATION IN  
HEALTH AND SAFETY EMERGENCIES**

The University may disclose personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The terms used in this paragraph shall be strictly construed.

**XV. CONDITIONS APPLICABLE TO DISCLOSURE OF DIRECTORY  
INFORMATION**

- A. The University may disclose directory information as compiled by the University. Directory information, as defined by the federal government and accepted by the University, means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.
- B. A student attending NUHS has a right to refuse to permit the University to designate as directory information any or all of those types of information about the student as set forth in paragraph A immediately above, and a student not wanting to permit the University to designate any or all such types of information about him or her shall so inform the University in writing within fourteen (14) days of first enrolling at the University.
- C. The University may disclose directory information about former students without meeting the conditions set forth in paragraphs A and B of Section XV.

**XVI. UNIVERSITY RESPONSIBILITY CONCERNING CONFLICT WITH STATE OR  
LOCAL LAWS**

If the University determines that it cannot comply in whole or in part with FERPA due to a conflict with state or local law, it shall notify the Family Policy and Regulations Office within forty-five (45) days, giving the text and citation of the conflicting law.

**XVII. FILING OF COMPLAINTS**

A person may file a written complaint regarding an alleged violation under FERPA with the Family Policy and Regulations Office, U.S. Department of Education, Washington, D.C. 20202.

