



Transforming Lives Changing the World at John F. Kennedy University

John F. Kennedy University Policy and Procedures Family Educational Rights and Privacy Act of 1974 and Solomon Amendment (1996)

The **Family Educational Rights and Privacy Act (FERPA) of 1974** grants students certain rights of access to their educational records, protects the privacy of these records, and requires that all students be informed of all rights and safeguards.

The following information is defined by John F. Kennedy University (JFK University) as **Directory Information** and may be released without student consent: name, address, email address, telephone number(s), major field of study, period of enrollment, degrees and awards received from JFK University. Students may have their directory information withheld by submitting a *Request to Withhold Directory Information* to the Office of the Registrar. Forms are available in the registration office. If a student does complete a *Request to Withhold Directory Information* form, JFK University cannot release any information, including verification of degree or enrollment without a signed release from the student. Students may reverse the directory information hold by completing and signing the bottom portion of a second *Request to Withhold Directory Information* form.

Accessible records are those written educational records maintained by JFK University that concern information directly related to a student. Those students who have actually attended JFK University may have access to records concerning them by appearing in person and submitting a request in writing to the Registrar.

Students have **the right to inspect and review** their educational records within 45 days of the day the university receives the request. The Registrar will make arrangements for access and notify the student of the time and the place where the records may be inspected.

Students have **the right to copies of accessible records**, except for transcripts from other colleges and universities and documents listed on page 2. Students will be charged for this service for an amount not exceeding the cost of reproduction. Currently, the fee is \$.10 per page.

Students have **the right to ask to have records amended** that they believe are inaccurate, misleading, or in violation of their privacy rights.

- Requests to amend an educational record must be submitted in writing to the registrar. Students should identify the part of the record they want amended and specify why they believe it is inaccurate, misleading or in violation of their privacy or other rights.

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- The Registrar may or may not comply with the request. If a decision is made not to comply, the student will be notified and advised of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
- Students must make a request for a hearing in writing to the Vice President for Academic Affairs (VPAA) in Pleasant Hill. A hearing will be arranged and the student notified reasonably in advance of the date, place and time. The hearing will be conducted by a hearing officer who is identified by the VPAA as a disinterested party. 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. Students may be assisted at their own expense by one or more individuals of their own choosing, including an attorney. Students must advise the VPAA in writing at least one week in advance as to who will be accompanying them to the hearing.
- 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.
- If the hearing officer decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the student will be notified in writing of the right to place in the record a statement commenting on the challenged 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 the university discloses the contested portion of the record, it must also disclose the student's statement.
- If the hearing officer decided that the information is inaccurate, misleading, or in violation of the student's right of privacy, the record will be amended and notification will be sent to the student in writing.

Students have **the right to consent to the review of their accessible records by others**. A request for such review must be submitted in writing. Information contained in education records will not be released except on the condition that the party to which the information is transferred will not permit any other party to have access to such information without the written consent of the student.

The following records may not be inspected by the student:

1. Financial records of parents.
2. Confidential letters and recommendations written prior to January 1, 1975.
3. Confidential letters and recommendations concerning admission, employment and honors for which the student has signed a waiver of right to access. The student will, however, be given the name of those persons writing such letters.
4. Records created or maintained by a physician, psychiatrist, or psychologist acting in a professional capacity. Exception: such records may be reviewed by a doctor, psychiatrist, or psychologist of the student's choice.

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5. Records and notes concerning a student of JFK University made by personnel which are the sole possessions of the maker and which are not made available to other persons.
6. When an education record contains reference to more than one student, the student has the right only to that part of the record that pertains to him or her.

In addition to the student, **the following persons, serving in official capacities, have the right to access student's records.**

1. JFK University officials who have a legitimate educational interest in a student's records.

A JFK University official is:

- A person employed by the university in an administrative, supervisory, academic, research, or support staff position;
- A person employed by, under contract with or appointed by the university who performs audits or evaluations, e.g., an attorney, auditor or member of the Board of Trustees.
- A student who is serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A JFK University official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or by a contract agreement;
- 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 or financial aid.

2. Officials of other universities who have a legitimate educational interest in a student's records; universities in which a student seeks to enroll.
3. Certain government officials acting in their legitimate functions.
4. Those persons, agencies or organizations needing records in connection with a student's application 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. Certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
6. Accrediting organization or organizations conducting studies for on behalf of educational agencies.
7. Authorities acting in compliance with judicial order pursuant to any lawfully issued subpoena upon the condition that an attempt is made to notify the student in advance.
8. In an emergency, appropriate persons if knowledge of such information is necessary to protect the health or safety of the student or other persons.

It is JFK University's **policy to release official transcripts** only upon the written and signed consent of the student and upon payment of the fee for each. To protect each student, a record is kept for one year of transcripts issues and of any persons or institutions (other than JFK University official) which have, upon student consent, been granted access to the student's records.

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Solomon Amendment (1996)

In 1996, Congress enacted the Solomon Amendment (10 U.S.C. 983) which requires educational institutions to provide directory-type information on students at least 17 years of age upon request of representatives of the Department of Defense for military recruitment purposes. John F. Kennedy University routinely receives and complies with such requests. JFK University is obligated under law to provide the following directory information: name, address, phone number, email, date of birth and educational level (undergrad/grad) and major. We do not provide information of students who have requested non-disclosure of directory information (FERPA "No").

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