



# Family Education Rights and Privacy Act (FERPA) Policy

## POLICY INFORMATION

Policy#:

Original Issue Date: 3/27/2013

Current Revision Date: 9/18/2019

Initial Adoption Date: 3/27/2013

## RESPONSIBLE OFFICE

Title	Department
Registrar	Office of the Registrar
Director	Compliance & Information Privacy

## SCOPE

Constituency	Campus Locations
(Select all that apply)	(Select all that apply)
<input checked="" type="checkbox"/> Staff	<input checked="" type="checkbox"/> Hyde Park
<input checked="" type="checkbox"/> Faculty	<input checked="" type="checkbox"/> California
<input checked="" type="checkbox"/> Students	<input checked="" type="checkbox"/> San Antonio
<input checked="" type="checkbox"/> Contractors	<input checked="" type="checkbox"/> Singapore
<input type="checkbox"/> Visitors	

(Select a Policy Type)
<input type="checkbox"/> Organization Policy
<input type="checkbox"/> Legal Policy
<input checked="" type="checkbox"/> Education Policy
<input type="checkbox"/> Marketing Policy
<input type="checkbox"/> Finance Policy
<input type="checkbox"/> Technology Policy
<input checked="" type="checkbox"/> Compliance Policy
<input type="checkbox"/> HR Policy
<input type="checkbox"/> Enrollment Policy
<input type="checkbox"/> Advancement Policy
<input type="checkbox"/> Operations Policy

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## A. PURPOSE

The Family Educational Rights and Privacy Act (“FERPA”) is a Federal law that protects the privacy of Student Education Records. FERPA gives Students who reach the age of 18 or who attend a postsecondary institution the right to inspect and review their own Education Records. In accordance with the provisions of the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR Part 99), The Culinary Institute of America (“CIA”) has developed this policy to meet required regulations and to protect the privacy rights of its Students.

## B. POLICY STATEMENT

The Culinary Institute of America (CIA) complies with the Family Educational Rights and Privacy Act and its implementing regulations (FERPA) (20 USC 1232g; 34 CFR Part 99). The CIA protects the privacy and confidentiality of Student Education Records and recognizes the following rights granted to Students under FERPA with respect to their Education Records:

- 1) To inspect and review his/her Education Records;
- 2) To request the amendment of his/her records that he/she may believe are inaccurate or misleading or otherwise in violation of his/her privacy or other rights;
- 3) To authorize the disclosure of Personally Identifiable Information contained in his/her Education Records; and
- 4) To file a complaint with the U.S. Department of Education concerning alleged failures by the CIA to comply with the requirements of FERPA.

The CIA does not release information from a Student’s Education Records without the Student’s written authorization unless such disclosure is permitted under FERPA.

If a conflict should arise between this policy and the provisions of FERPA, FERPA will prevail.

## C. AUTHORITY

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)

## D. DEFINITIONS

**Directory Information:** Information contained in an Education Record of a Student that, if disclosed outside the CIA, would not generally be considered harmful or an invasion of privacy, which the CIA specifies exclusively as the following:

- Name
- Permanent address

Commuter address  
Dates of attendance  
Degrees and/or certificates received with date  
Campus e-mail address  
Photographs  
Academic program  
Awards or honors  
Enrollment status

**Education Record:** Any records, files, documents and other materials which contain information directly related to a Student and are maintained by the CIA or third party acting on behalf of the CIA.

The term Education Record does not include:

- Records that are kept in the **sole possession** of the individual who created the record, 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.
- Records maintained by a **law enforcement unit** of the CIA (Campus Safety) that were created by that law enforcement unit for the purpose of law enforcement.
- In the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an **employee** and are not available for use for any other purpose; or
- Records on a Student who is eighteen years of age or older, **OR** who is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the **provision of treatment** to the Student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the Student's choice.

**Hearing Officer:** A CIA official appointed by the Registrar who has no direct interest in the outcome of the hearing.

**Legitimate Educational Interest:** The demonstrated “need to know” on the part of a School Official acting in a Student’s best interest to (a) perform appropriate tasks that are specified in his/her position description or by a contract agreement; (b) perform a task related to the Student’s education; (c) perform a task related to discipline of the Student; (d) or provide a service or benefit relating to the Student or Student’s family such as health care, counseling, job placement or financial aid.

**Personally Identifiable Information (PII):** Data or information that, alone or in combination, is linked or linkable to a specific Student and that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the Student with reasonable certainty. This includes Directory Information and non-Directory Information. In addition, PII includes information requested by a person who the CIA reasonably believes knows the identity of the Student to whom the Education Record relates. Examples include, but are not limited to: name; name of parent or other family members; address; a personal identifier such as Social Security Number, Student ID or biometric record; and other indirect identifiers such as date of birth, place of birth or mother’s maiden name.

**School Official:** A person employed by the CIA who acts in the Student’s educational interest, within the limitations of their “need to know,” in an administrative, supervisory, academic, professional, law enforcement or support staff position; a trustee; a person or a company under contract to or acting as an agent for the CIA, to provide a service instead of using CIA employees or officials, such as an attorney, auditor, consultant or collection agent; or a Student serving on an official CIA committee or assisting a School Official in performing his/her task.

**Student:** Any individual who is or has been in attendance at the CIA and of whom the CIA maintains Education Records.

## **E. PROCEDURES**

### **Exercising Student FERPA Rights**

The following procedures should be followed when a Student wishes to exercise his/her right:

- 1) To inspect and review his/her Education Records:

- a. Submit a written request to the School Official responsible for the record (for example, the Registrar for a transcript).
- b. The School Official will make arrangements for access and notify the Student of the time and place where the records may be inspected within **45 days** of receiving such written request.
- c. Present a valid ID to the School Official at the time of review.
- d. A Student shall not have access to:
  - i. The financial statement of the Student's parents;
  - ii. Letters of recommendation for which the Student has waived his or her right of access, or which were placed in the Education Records of a Student prior to January 1, 1975. Such letters are protected by assurances of confidentiality and usage only for their intended purposes.
  - iii. Education Records if they contain information about another Student (absent the other Student's permission).

**Note re Photocopying:** The CIA permits copies of Education Records under limited circumstances only. The CIA may charge a nominal fee for copies.

- 2) To request the amendment of his/her records that he/she may believe are inaccurate, misleading or otherwise in violation of his/her privacy or other rights:
  - a. Ask the appropriate School Official to amend a record that he/she believes is inaccurate, misleading or otherwise in violation of his/her privacy or other rights.
  - b. Provide the appropriate School Official with a written statement clearly identifying the part of the Education Record he/she would like changed, and specify why it is inaccurate or misleading, or otherwise in violation of his/her privacy.
  - c. The School Official who receives a challenge must decide within a reasonable period whether corrective action consistent with the Student's request will be taken.
  - d. The CIA may either amend the record or decide not to amend the record.
    - i. If the CIA decides not to amend the record, the appropriate School Official will notify the Student of the decision and advise the Student of the right to a hearing to challenge the information.
      - A. Upon written request by the Student to the Registrar, the Registrar will arrange for a hearing and notify the Student in advance of the date, place, and time of the hearing.

- B. The Hearing Officer will be a disinterested third party and appointed by the Registrar. The Student will have the opportunity to present evidence relative to the issues raised in the original request to amend the educational records.
    - C. 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 and the reasons for the decision.
  - ii. If it is decided that the challenged information is not inaccurate or misleading or otherwise a violation of the Student's privacy or other rights, the Registrar will inform the Student that he/she has the right to place a statement in the record commenting on the challenged information and/or a statement setting forth the reasons for disagreeing with the decision.
    - A. The statement will be maintained as part of the Student's Education Records as long as the contested portion is maintained. If the CIA disposes of the contested portion of the record it must also dispose of the statement.
  - iii. If the CIA decides that the Student is correct in alleging that the information is inaccurate or misleading or otherwise a violation of the Student's privacy or other rights, the Registrar will notify the School Official responsible for the affected record of the decision. The School Official responsible for the record will amend the record accordingly and notify the Student in writing.
- 3) To authorize the disclosure of personally identifiable information contained in his/her Education Records:
  - a. The Student must complete and submit the consent form or online application used by the CIA. The written consent must: specify the records to be released; indicate the purpose of the disclosure; identify to whom the disclosure may be made; and be signed and dated by the Student.
- 4) To file a complaint with the U.S. Department of Education concerning alleged failures by the CIA to comply with the requirements of FERPA:
  - a. Written complaints should be directed to: The Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-5920.

- b. The telephone number is 1-800-872-5327.

**Note:** All questions in reference to FERPA should be directed to the Registrar or the Director – Compliance & Information Privacy.

### **Permissible Disclosures without Student Authorization**

Under FERPA, the CIA may, but **is not required** to, release information from a Student's Education Records without his/her written consent if the disclosure is:

- a. Limited to Directory Information;
- b. To School Officials who have a Legitimate Educational Interest in the information;
- c. To appropriate parties in a health or safety emergency if knowledge of the information is necessary to protect the health and safety of the Student or other individuals;
- d. To parents of an eligible Student who claims the Student as dependent for income tax purposes;
- e. To authorized representatives of federal, state or local educational authorities;
- f. In connection with federal aid for which the Student has applied or the Student has received;
- g. To officials of another institution of postsecondary education where the Student seeks or intends to enroll;
- h. To organizations conducting studies for or on behalf of the CIA;
- i. To accrediting organizations;
- j. To comply with a judicial order or lawfully issued subpoena;
- k. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the CIA, regardless of whether the CIA concluded a violation was committed or not. The CIA is not permitted to require Students who are sexual assault victims to sign confidentiality pledges to protect from further disclosure of the disciplinary proceedings.
- l. Subject to certain requirements, in connection with a disciplinary proceeding at an institution of postsecondary education;
- m. To a parent of a Student under the age of 21 concerning the Student's violation of any law or policy regarding the use or possession of alcohol or a controlled substance; or
- n. Concerning sex offenders or other individuals required to register under state or federal law.

### **Annual Notification**



The Registrar's Office will provide to all Students an Annual Notification of their rights under FERPA. Former Students need not be notified. The Annual Notification must include: the CIA's definitions of School Official and Legitimate Educational Interest; the right to inspect and review information contained in his/her Education Records and associated procedure; the right to request an amendment to an Education Record, and associated procedure; to ensure the Education Records are not inaccurate, misleading, or otherwise in violation of the Student's privacy or other rights; the right to consent, with certain exceptions specified in FERPA, to disclosure of PII from his/her Education Records; the right to file a complaint with the Department of Education concerning alleged failures by the CIA to comply with FERPA.

The Annual Notification will also disclose the CIA's policy of releasing information to School Officials subject to a demonstrated Legitimate Educational Interest.

### **Parental Notification**

Unless permitted by a FERPA exception, the CIA will disclose Education Records to a Student's parents only with written consent of the Student. The Student may file the consent at the office responsible for maintenance of the relevant Education Record.

### **Opting Out of Disclosure of Directory Information**

A Student may request that his/her Directory Information not be released. A Student must complete the current form provided by the Registrar's Office or on the Portal within two weeks of the start date at the CIA.

### **Record of Request for Disclosure**

Anyone releasing non-Directory Information PII to a third party (other than to a Student or a School Official with a Legitimate Educational Interest) without a Student's consent must maintain a record of the name of the party requesting or receiving the information and the legitimate interest the parties had in requesting release of the information.

## **F. RESPONSIBLE CABINET MEMBER**

Vice President—Academic Affairs  
Chief of Staff and Chief Information Officer

## **G. RELATED INFORMATION**

## **POLICY HISTORY**

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**Policy Editorial Committee & Responsible Cabinet Member Approval to Proceed: 3/15/2013**

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**Policy Advisory Committee (PAG) Approval to Proceed: 10/18/2016; 9/26/2019**

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**Board Approval to Proceed (if required), Date**

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**Cabinet Approval to Proceed: 3/27/2013**

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**Policy Revision Dates: 10/18/16, 9/26/2019**

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**Scheduled Review Date: 7/1/2021**