





# Ensign College FERPA Procedures

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- An employment related record that does NOT result from student status.
- College security records that are created and maintained by LDS Church Security for safety purposes.
- Parents' confidential financial statements, income tax records and reports received by the College.
- Records maintained by Ensign College health or counseling services that are used only for treatment and made available only to those individuals providing the diagnosis and treatment. Patient access to medical or counseling records is provided upon submission of written patient authorization according to college policy.
- Alumni records which contain only information about a student after he or she is no longer attending the College and do not relate to the person as a student.

## Annual Notification

Student education records at Ensign College are generally accessible to eligible students according to the provisions of the Family Educational Rights and Privacy Act (FERPA). The following is notice of student rights to their education records, a summary of the procedures for exercising those rights, and a description of student directory information that may be disclosed to the public without the student's consent as required by law.

Eligible students, admitted and enrolled at Ensign College, generally have the right to:

1. Inspect and review their education records within a reasonable period of time upon submitting a written request to the Registration Office specifying the records to be inspected along with proof of identification. The Registration Office will notify the student of the time and place the records may be inspected.
2. Petition Ensign College to amend or correct any part of the education record believed to be inaccurate, misleading, or in violation of their privacy rights. Students may submit a written request to the Registration Office clearly identifying the part of the record they want changed and specify why it is inaccurate or misleading. If the Registration Office decides not to amend the record as requested, the student will be notified of the decision and advised of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures as outlined in College policy will be provided to the student when notified of the right to a hearing.
3. Consent to disclosure of personally identifiable information contained in the student's education record, except as otherwise authorized by law. Examples of exceptions to consent of disclosure include:
  - Access of education records by Ensign College officials and agents having a legitimate educational interest in the records. This category includes any Ensign College official or agent who accesses student educational records for the purpose of performing a task or responsibility relating to his or her employment or professional responsibility at the College. These individuals may include faculty, administration, staff, campus security services, and other College agents, including third party vendors or contracted agents acting in behalf of the College, who manage student education record information including, but not limited to, student education, discipline, or financial aid.



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- Parents who establish the student's dependency for federal income tax purposes.
  - Upon request, Ensign College will disclose educational records without consent to officials of another college or university to which the student is enrolled, or seeks or intends to enroll.
4. File a complaint with the Department of Education concerning failures by Ensign College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is the Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202- 5920, [www2.ed.gov/policy/gen/guid/fpco/index.html](http://www2.ed.gov/policy/gen/guid/fpco/index.html) .

## Directory Information

Ensign College has designated the following student information as directory information that it may disclose without the consent of the student:

- Name, addresses, telephone numbers, and e-mail addresses
- Student ID number
- Month and day of birth
- Major fields of study
- Pictures
- Dates of attendance (current and past) and number of months/semesters enrolled
- Class standing (freshman, sophomore)
- Enrollment status (full-time, part-time, less than half-time)
- Degrees and awards received
- Previous educational institution attended
- Anticipated future enrollments
- Course registrations prior to the beginning of a semester
- Dates of employment and job title for student employment positions
- Deferred registration eligibility
- Expected date of graduation

Directory Information will not be provided to third parties in the form of mailing lists or labels.

Students have the right to restrict, or block, all disclosure of the above directory information. To request restriction of disclosure of all directory information, students must file a written request with the Registration Office. This restriction will remain until the student specifically rescinds it in writing.

Students may also unlist some or all directory information online by logging into MyBC and clicking the Student Center. Under "Personal Information" click on "Demographic Data." Choose the "Security" tab and then click on "FERPA restrictions."

Students may grant permission for others to access financial or academic information by completing the FERPA Release form in their MyBC account. This form allows students to designate what department is authorized to release their information (financial or academic), and those that are authorized to access it. This could include parents, legal guardians, sponsors, etc. A FERPA passphrase is created by the student that can then be given to those who wish to access information. The passphrase is used to validate identity as someone authorized by the student to obtain access to their information.



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Departments requesting mailing list information or other directory information may do so by contacting the Registration Office. Departments should provide a written request with the signature of the Vice President, Program Chair, or director explaining the need for the information and how it will be used. The Registration Office will review the request to ensure FERPA compliance.

Parents or guardians of students claimed as dependents on the most recently submitted Federal Income Tax form may have grade reports forwarded to them pursuant to the Family Educational Rights and Privacy Act of 1974. Parents of dependent children under the above-described definition must submit their most recent tax forms showing the student as a dependent to the Registration Office.

No grade report will be sent to a parent or guardian without proper authorization. The Registration Office will record tax forms and send grade reports as requested. Parents of students who have declared themselves as independent are not eligible to receive grade reports.

## Military Recruiters and the Solomon Amendment

Ensign College supports and complies with the Solomon Amendment. Requests for student information from military recruiters are submitted to the Registration Office. Student recruiting information will not be supplied with respect to students who have not reached the age of 17. Additionally, if a student has formally requested Ensign College to restrict FERPA directory information from third parties, Ensign College will withhold this information from military recruiters as well. This file will contain all students enrolled in school for the year and term in which the request is made. The file will contain the following information: name; street; city; state; zip; telephone; birth date; class standing; department; major; emphasis; degree from Ensign College; degree name; degree year; last college/university attended; credit hours; citizenship; email, and anticipated graduation date.



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## Locations of Student Education Records

The following list describing the type, location and custodian of student education records is illustrative and not comprehensive. Other student education records may be found in a variety of locations throughout campus. A student having questions concerning the location of education records should direct an inquiry to the Registration Office.

RECORD TYPE	LOCATION	CUSTODIAN
Admissions, Registration, Records, and Graduation Evaluation Services	2 <sup>nd</sup> Floor	Registration Office
Student Life	9 <sup>th</sup> Floor	Student Success Center
Honor Code	9 <sup>th</sup> Floor	Dean of Students
Academic Support	10 <sup>th</sup> Floor	Director of Curriculum; Dean of Faculty
Financial Aid	2 <sup>nd</sup> Floor	Director of Financial Aid
Placement Center	4 <sup>th</sup> Floor	Testing Center
Progress Reports	9 <sup>th</sup> Floor	Advising Center
Faculty Records	Faculty Office at each Department	Instructor

## Procedure to Inspect Education Records

FERPA controls access to student education records. Ensign College will make a reasonable effort to provide eligible students the rights granted by the Act. On presentation of appropriate identification and under circumstances that prevent alteration or mutilation of records, a student with proper identification will be permitted to inspect all education records not restricted by a pledge of confidentiality or considered to be private records of College personnel. In those instances when the College is willing to allow copies, those with legitimate access to the records will be charged a reasonable fee for the copies.



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Students submit to the Registration Office a written request that identifies as precisely as possible the record the student wishes to inspect. However, oral requests may be honored upon proper presentation of identification and in circumstances where a written request would be burdensome or impractical.

The Registration Office will contact the record custodian or appropriate College personnel and will arrange for access, within a reasonable period of time, but not more than 45 days, and will notify the student of the time and place where the records may be inspected.

When a record contains information about more than one student, the student may inspect and review only that portion relating to the requesting student.

## Right of the College to Refuse Access

The following records are not available for review by students:

- The financial statements and tax returns of the student's parents.
- Letters and statements of recommendations to which the student has waived the right of access, or which were placed in the student's file before January 1, 1975.
- Records connected with an application to attend Ensign College if that application was denied.
- Any records which are not education records as defined by FERPA or these procedures and which are not otherwise accessible pursuant to law.

## Refusal to Provide Copies

Ensign College reserves the right to deny transcripts or copies of education records if the student has an unpaid financial obligation to the College.

Ensign College will not provide copies of those education records related to disciplinary action taken against a student, even at that student's request, unless refusal of such a request would unreasonably limit the student's right to inspect and review those records.

## Copies of Records

If for any valid reason such as work hours, distance from a student's place of residence to a record location, distance between record location sites, or health, a student cannot inspect and review their education record in person, Ensign College may arrange for the student to obtain copies. A reasonable fee for copies will be charged. There is no charge for search or retrieval of education records nor for personal inspection of education records.

## Disclosure of Student Education Records

Ensign College will disclose student education records to a third party with written consent from the student. This written consent must:

- Specify the records to be released,
- State the purpose of the disclosure,
- Identify the party or class of parties to whom disclosure may be made, and
- Be signed and dated by the student.

Ensign College will disclose student education records without the written consent of the student in the following limited circumstances:



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- To school officials and to specified agents of the College who have a legitimate educational interest in the records. A school official or specified agent of the College is:
  - the Board of Trustees or its agents; or
  - a person employed by the College in an administrative, supervisory, academic, research or support staff position, (including security enforcement unit personnel and health staff); or
  - a person or company, with whom the College has contracted as its agent to provide a service instead of using College employees or officials (such as Student Clearinghouse, an attorney, auditor or collection agent); (the contracted party is subject to the same conditions of use and redisclosure of education records that govern other school officials); or
  - a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks; or
  - a person employed by, under contract to, or designated by the College to perform a specific task.

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

- performing a task that is specified in their position description or by contract agreement;
  - performing a task related to a student's education;
  - performing a task related to student discipline; or
  - performing a service or benefit relating to the student or the student's family, such as health care, counseling, job placement or financial aid.
- To officials of another school, upon request, in which a student is enrolled, or seeks or intends to enroll.
  - To the Secretary of the U.S. Department of Education, the Attorney General of the United States, the Comptroller General of the United States, and state and local educational authorities, in connection with certain state or federally supported education programs.
  - In situations where a student has sued the College, or the College has taken legal action against a student, as necessary for the College to proceed with legal action as a plaintiff or to defend itself.
  - 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.
  - As required by state law disclosure that was adopted before November 19, 1974.
  - To organizations conducting certain studies for or on behalf of the College on condition that the organizations conducting the studies not permit the personal identification of students by anyone other than the organizations' representatives. Additionally, all information provided must be destroyed by the requesting organizations when no longer needed for the study's purposes.
  - To accrediting organizations to carry out their functions.
  - To either parent of an eligible student if the student is claimed as a dependent for income tax purposes regardless of which parent claims the student as a dependent. Parents requesting



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information from a student's file shall be responsible to demonstrate that the student in question is a dependent pursuant to Section 152 of the Internal Revenue Code. In addition, Ensign College may disclose to parents of an eligible student information regarding violations of local, state or federal law or of the Church Educational System Honor Code regarding the use or possession of controlled substances for student violators under the age of 21.

- To comply with a judicial order or a lawfully issued subpoena in which case the order or subpoena shall be directed to the Office of the General Counsel for review prior to dissemination of the education record. The College will make a reasonable attempt to notify the student in advance of disclosure when non-directory information is released in response to subpoenas or court orders.
- To appropriate parties, including parents or guardians, in a health or safety emergency.

Ensign College may (without the consent of the perpetrating student) disclose to the victim of a crime of violence or a non-forcible sex offense, (as defined in the Clery Act) the results of any disciplinary proceeding conducted by Ensign College against the alleged student perpetrator regardless of the outcome of the proceeding.

Ensign College may (without the consent of the perpetrating student) disclose records in making a general announcement of final results of a school disciplinary proceeding in the case of a violent crime or non-forcible sex offense if a student is found to have violated school rules or policies (limited to student name, violation committed, and sanction imposed).

Upon request, information received from the state of registered sex offenders pursuant to the Campus Sex Crime Prevention Act Amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act who are employed, carry on a vocation, or who are students enrolled at Ensign College will be made available to the requesting party.

## Record of Request for Disclosure

Each custodian of education records at Ensign College will maintain a record of all requests for and disclosures of information from a student's education records file made by anyone other than a school official or the student. The record will indicate the name of the party making the request and the reason for the release. The record of the request for disclosure may be reviewed by an eligible student.

Redisclosure of education records by a third party is prohibited.

## Correction of Education Records

Students have the right to ask to have education records corrected that are inaccurate, misleading or maintained in violation of their privacy or other rights. In cases of alleged academic dishonesty or of an unfair or mistaken evaluation, the students must pursue redress under the Student Grievance Policy. In cases of alleged violations of the Church Educational System Honor Code, the student must pursue redress under the applicable policies and procedures of the Honor Code Office. In cases of other non-academic, extenuating circumstances or emergencies potentially affecting a student's education records, students must pursue redress through Ensign College's Registration Office. In all other cases of challenge to the content of a student's education records, not otherwise governed by established College policy, these procedures will apply. Under these procedures, the process must be initiated within one year from the semester or term in question. The following are the applicable procedures:





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1. A student must file a written request with the Registration Office to amend the record. The request should identify the part of the record requested to be changed and specify why the student believes it to be inaccurate, misleading or in violation of the student's privacy or other rights.
2. The Program Chair or supervisor of the College area maintaining the records shall promptly review the facts and seek to resolve the complaint by informal discussions with the student.
3. If the Program Chair or supervisor decides not to comply with the request, Ensign College will notify the student in writing.
4. A student who disagrees with the decision has a right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights. Upon written request to the Registration Office, a hearing will be scheduled and the student will be provided reasonable advance notification of the date, place and time of the hearing. The hearing will be conducted by the College Enrollment Services Committee consisting of three disinterested individuals appointed from the Office of the Dean of Students and the Registration Office or another appropriate custodian of the student education records. The student shall be afforded a meaningful opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may have one or two individuals, including an attorney, physically present at the hearing panel to confer with him or her. Because the hearing is not intended to be adversarial, however, such individuals will not be allowed to address the hearing panel nor advocate, unless specifically invited to do so by the committee. The hearing panel will be advised on matters of procedure and law by the Office of the General Counsel. The hearing panel will prepare a written decision based solely on the evidence presented and/or considered at the hearing. The decision will include a summary of the evidence and the reasons for the decision.
5. The hearing panel will strive to ascertain the truth and to make determinations that are reasonably supported by the evidence. Note: this hearing is an administrative proceeding and no attempt shall be made to apply the formal rules of evidence applicable in judicial proceedings. In general, any evidence, whether oral testimony or documentary, which is considered by the hearing panel to be relevant should be received subject to the discretion of the hearing panel to exclude frivolous, repetitive or merely cumulative testimony.
6. If the hearing panel finds that the education record is not inaccurate, misleading, or in violation of the student's right of privacy or other rights, the record will be maintained, but the student will be notified 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 Ensign College discloses the contested portion of the record, it will also disclose the statement. If the hearing panel decides that the education record is inaccurate, misleading or in violation of the student's right of privacy or other rights, it will amend the record and notify the student, in writing, that the record has been amended.

Generally, the College will follow the procedural guidelines as outlined above. However, the procedures set forth above are merely guidelines and are not intended to create any contractual obligations or expectations. The College reserves the right, at its reasonable discretion, to vary these procedures



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according to the circumstances of individual matters, provided that the student is not significantly prejudiced.

## Interpretation

Questions concerning the application of these procedures should be addressed to the Registrar, 2<sup>nd</sup> Floor. The Registrar, in consultation with the BYU Office of the General Counsel, will determine all questions of interpretation.

## FERPA FAQs

### **Does changing technology impact FERPA guidelines?**

Although technology continues to change since FERPA was first passed, the guidelines still apply.

### **What email accounts can I use with FERPA-protected information?**

The Ensign College email is provided by the College and is within the College's firewall, so you may send confidential data ONLY to the Ensign College email. Emails to the student's non- Ensign College email, or anyone outside the Ensign.edu domain, should be treated like a postcard and only include directory or non-FERPA data. Send any confidential information to students through their Ensign.edu email.

### **Are there circumstances where non-directory information is released?**

Under the law, there are 16 exceptions when FERPA data can be released without express permission from the student. Many of these exceptions require information of what was released, who it was released to, and the exception it falls under to be recorded on the student's permanent record.

### **What do I need to include in a written consent?**

A written consent must include:

- Who the information can be released to
- What information may be released
- The purpose for the release
- It must be signed and dated

### **Who do I send the written consent to? Can it be emailed?**

The person receiving the information should bring a picture ID and the written consent to the appropriate manager of the information that is being released. The written consent must have a hard signature, so it cannot be in the body of an email. It can be an attachment to an email.

### **I used to be able to see my child's academic information and now I can't. What happened? How can I gain access to this information (i.e. grades, schedule, etc.)?**

Once a student is enrolled in a post-secondary institution, like Ensign College, the rights under FERPA belong to the student and not the parent. You should work with your child and have them give you the information. If you claimed your child on last year's income taxes, Ensign College may release information to you. To receive this information, you must submit a copy of your tax statement showing the student as a dependent and a request stating what information you would like and why. Ensign



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College must then record in the student's permanent record what they released, to whom, and that it was done under the dependency exception.

## **How can I post grades and/or return homework or tests in a way that won't violate FERPA?**

It is a violation of FERPA to put grades, homework, or tests in an open area for students to look through and retrieve.

These are some ways that you can avoid violating FERPA:

- Have students pick their work up from an employee who sees the students' IDs before giving them their papers.
- Have students submit a labeled envelope with their work. The instructor can then seal any confidential information inside, and only the student's name would be publicly visible.
- Have students sign a form at the beginning of the semester requesting their grades, homework, or tests be returned to them in a common box. This lets you return work in this manner. If any of your students do not want to have their work put in a public place, you will need to find a different way to return their information/documents.
- Assign a random number to each student for that class that semester, which only you and the individual student know, and have the student use that number, rather than their name or other identifier, for submitting homework and tests. The numbers must be assigned in a way that others cannot find out who any student is from the number or pattern of display.

## **A parent has called me about their child's performance in my class. What can I tell them?**

Since the student has the right to control access to their education record once they are enrolled at Ensign College, you should suggest that the parent talk to their child directly. If the student wants you to share information with their parents, he or she must provide a written consent, and you can only share what the student authorizes you to release. The student can also grant access to their parent which allows their parent to access the student's academic, personal, and financial account through MyBC.

## **Can a student's GPA be included in a letter of recommendation that the student has asked me to write? What can I include/not include in the recommendation?**

When you write a letter of recommendation, you must have a written request from the student with a hard signature and you can only include what the student authorizes you to include.