

APPENDIX A

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA)

FERPA is intended to ensure that students are afforded the right to inspect and review their education records, seek to have the records amended, and to exercise some control over the disclosures of information from the records. Lexington Theological Seminary shall comply with FERPA.

The Seminary has no obligation to create or maintain records.

DEFINITIONS

Educational Records: Any record maintained by the Seminary which is directly related to a student, *except:*

- A personal record kept by an employee 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.
- An employment record of an individual, whose employment is not contingent on the fact that he/she is a student, provided the record is used only in relation to the individual's employment.
- Alumni/ae records which contain information about a student after he/she is no longer in attendance at the Seminary and which do not relate to the person as a student.

Legitimate Educational Interest: Interest which is founded completely on the need for access to information related to the student's educational interests; for example, enrollment information needed by the Business Office for billing purposes or by the Post Office for mail delivery. Information shared would be limited to the particular need. It would not include information about a specific student which would be used to further the interests of the institution as a whole; for example, sharing identifiable, non-directory information about a student in a Seminary publication (without the student's permission).

School Official: A person employed by the Seminary in an administrative, supervisory, academic or research capacity, or support staff position; a person employed by or under contract to the Seminary to perform a special task, such as the attorney or auditor; National Student Loan Clearinghouse; individuals to whom the student is accountable at their congregational site; mentors; MPS practicum supervisors; and Seminary committees.

Student: Any person while in attendance or considered active at the Seminary. Active status is for those who have not been out of classes for more than one academic year. Applicants who are not accepted or do not enroll are not covered by this policy.

ANNUAL NOTIFICATION

Students are notified of FERPA policies annually by virtue of the *Handbook* being online.

PROCEDURE TO INSPECT EDUCATION RECORDS

Students may inspect and review their education records subsequent to completing a written request which is submitted to the Registrar.

The Registrar will make the arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access will be provided in less than 45 days from the receipt of the request.

When a record contains information about more than one student, the student may inspect and review only the records which relate to him/her.

The Seminary reserves the right to refuse to permit a student to inspect the following records:

- Letters and statements of recommendation for which the student waived review privileges or which were placed in the file prior to January 1, 1975.
- Records connected with an application to attend the Seminary which was not approved for admission. For example, if a student was denied admission and later re-applied and was accepted the documents related to the denied application will not be available for review.
- Records which are excluded from the FERPA definition of *educational records*.

DISCLOSURE OF EDUCATION RECORDS

The Seminary will not disclose information from a student's education records without the written consent of the student, *except*:

- to school officials who have a legitimate educational interest in the records.
- to certain officials of the Department of Veteran Affairs, 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.
- 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.
- to organizations conducting certain studies for or on behalf of the Seminary.
- to accrediting organizations to carry out their functions.
- to comply with a judicial order or a lawfully issued subpoena. Students are notified prior to release.
- to appropriate parties in a health or safety emergency.
- to officials of other schools to which the student intends or is seeking to enroll.
- in the case of directory information to the general public unless the student has informed the registrar in writing that she or he refuses to let the institution release any or all directory information by the following categories, which the school designates as directory information:
 - Category I: names of students; date and place of birth; addresses; telephone numbers (including pager and cell phone numbers); e-mail address.
 - Category II: dates of attendance at Lexington Theological Seminary; program of study; degree completion; date and degree earned; student's current status (enrolled, graduated, leave of absence); previous institutions attended and degrees earned elsewhere; participation in officially recognized activities; awards received.

- Category III: class schedules; class rosters.
- Category IV: photographs.

The provisions of this policy concerning directory information will be communicated to new students in the orientation packet along with a mechanism for communicating with the registrar if a student wishes to prohibit release of any directory information.

Originals or copies of transcripts from other schools or references/recommendations which are maintained in the Seminary student file will not be released to the student or any other party. Copies of other material *may* be released to the student at the Registrar's discretion. A charge for copies may be imposed.

RECORD OF REQUESTS FOR DISCLOSURE

The Seminary will keep copies of all requests for information release in the student's file.

CORRECTION OF EDUCATION RECORDS

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Records which may be corrected can not be substantial decisions such as grades or disciplinary actions. The following procedures are to be used for the correction of records:

1. A student must submit a written request to the Registrar to amend a record. The request should identify the part of the record to be changed and specify why it is inaccurate, misleading, or in violation of privacy or other rights. In order to change the name on the record, the student must provide a legal document authorizing the change, e.g., marriage license, divorce decree.
2. The Seminary may or may not comply with the request. If the Seminary decides not to comply, the Registrar will notify the student of the decision and the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. If the student desires a hearing, the request for such must be made to the Registrar in writing. The Registrar will arrange for a hearing, and notify, in writing, of the date, place, and time of the hearing. The hearing will be arranged for a time convenient for the student and others involved.
4. The hearing will be conducted by the Dean. The student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's records. One or more individuals may assist the student, including an attorney. The Dean may call on other parties to present information regarding the requested change in the records.
5. The Dean 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 Dean 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 that a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision can be placed in the record.

7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion is disclosed, the additional statement will also be disclosed.
8. If the Dean determines that the information is inaccurate, misleading, or in violation of the student's right or privacy, the record will be amended and the student notified in writing that it has been amended.

DISCLOSURE SUBSEQUENT TO LEAVING THE SEMINARY

Education records of students who have left the Seminary, for whatever reason, will be treated in the same manner as current students. Information gathered subsequent to a student's departure which is not related to the student's time at the Seminary, is not considered part of the education record.

If a student requested confidentiality while at the Seminary, that request will remain in effect after departure.

Information on students who are deceased will be treated as all other information unless the executor/executrix has authorized release. Information may be released, at the discretion of the Seminary, after the individual has been deceased for 25 years.