

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29409

MEMORANDUM
NUMBER 2-2

23 September 2011

PRIVACY OF STUDENT RECORDS

1. PURPOSE

It is the policy of The Citadel to comply with the Family Educational Rights and Privacy Act (FERPA) governing students' rights with respect to their educational records. This General Order outlines The Citadel's policy on students' rights to review, modify, and control the disclosure of their education records.

2. REFERENCE

The Family Educational Rights and Privacy Act, 20 USC § 1232g, *et. seq.*
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC § 1092(f), *et. seq.*; 34 CFR § 668.46

3. POLICY

- A. **General.** The Citadel complies with the Family Educational Rights and Privacy Act (FERPA), which affords students certain rights with respect to their educational records. These rights include the following: the right to inspect and review their records within forty-five (45) days of the day The Citadel receives an inspection request; the right to request an amendment of their record if they believe it is inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA; the right to provide written consent to disclosures of personally identifiable information contained in their educational records, except to the extent that FERPA authorizes disclosure without consent; and the right to file a complaint with the US Department of Education concerning alleged failures by The Citadel to comply with the requirements of FERPA.
- B. **Access to Records With Consent.** The Citadel will not permit access to or disclosure of any information from a student's educational record to anyone outside the institution without the written consent of the student, except in compliance with the

provisions of federal and South Carolina state laws and regulations. Parents of a student who qualifies as a dependent, as defined in Internal Revenue Service (IRS) regulations, may receive certain information from their student's records, provided the student has not elected to withhold his or her records. Prior to obtaining information, however, the parent must first verify the tax status of their student.

The Citadel will accept student signatures authorizing consent in electronic form. A student using an electronic signature must provide The Citadel's custodian, for the record being requested, with sufficient information to identify the sender as the student and assurance that the electronic signature indicates the student's consent to the release of information.

- C. **Access to Records Without Consent.** The Citadel discloses education records without a student's prior written consent to "school officials" with "legitimate educational interests." A "school official" is a person employed by The Citadel in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom The Citadel has contracted as its agent to provide a service instead of using Citadel employees or officials (such as an attorney, auditor, National Student Clearinghouse, or collection agent); a person serving on the Board of Visitors; or a student serving on an official committee, such as a disciplinary board, or assisting another school official in performing his or her tasks. A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill his or her professional responsibilities for The Citadel.

The Citadel has designated the following to be "school officials" with a "legitimate educational interest" in student records: members of The Citadel's Board of Visitors, the faculty, Company Advisors, and selected personnel in the departments or offices of the President, Provost, Deans, Registrar, Counseling Center, Academic Support Center, Public Safety, Executive Vice President for Finance, Administration and Operations, Vice President for External Affairs, Director of Athletics, and Commandant of Cadets. The Citadel, acting through the Provost, for academic records, and the Commandant of Cadets, for disciplinary records, also considers certain cadets to be school officials with a legitimate educational interest, by virtue of their cadet duty positions or work-study/graduate assistant status. However, these students must first attend a FERPA briefing, tailored to the type access that the cadet or student will be granted, given by the college's Privacy Officer or his representative.

In accordance with FERPA and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, The Citadel will disclose, to the alleged victim of any crime of violence or non-forcible sex offense, the results of any student disciplinary hearing or faculty/staff disciplinary hearing conducted against the alleged perpetrator of such a crime. Furthermore, The Citadel may disclose, to The Citadel community, the final results of a student disciplinary hearing if it determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense, and with respect to the allegation made against him or her, the student has committed a violation of Citadel rules or policies.

The Citadel may also disclose, to the parent of any student under the age of 21, any violation by the student of Citadel policy or local, state or federal law concerning the use of alcohol or drugs. The decision on whether or not to notify the parent will belong to the Commandant of Cadets.

D. **Directory Information.** The Citadel has designated the following items as "Directory Information." Citadel officials may disclose these items without prior written consent, unless the student has submitted a written request to the Office of the Registrar not to release directory information pertaining to him or her. Students must submit a written request each year, within the first two weeks of the Academic year:

- 1) Student's name
- 2) E-mail address
- 3) Local and permanent addresses, telephone numbers
- 4) Date and place of birth
- 5) Class schedule and class absence status
- 6) ROTC affiliation
- 7) Cadet rank and cadet organization
- 8) Semesters of attendance
- 9) Anticipated date of graduation, enrollment status (full or part-time), date of admission, date of graduation
- 10) Citizenship and residency
- 11) Major and minor fields of study
- 12) Photograph
- 13) Whether or not the student is currently enrolled, classification (freshman, etc.), and his/her duty status
- 14) Type of degree being pursued, degrees, honors and awards received (including Dean's List and Gold Star status, scholarships, and fellowships)
- 15) Weight and height of members of athletic teams and whether the student has participated in officially recognized activities and sports sponsored by The Citadel.

- E. **Student Access to Personal Records.** The Citadel reserves the right to deny a student the right to inspect the following records: Parents' financial records, confidential letters of recommendation requested by the student for which the student has waived access (students may request the names of those who have submitted confidential recommendations), and documents revealing non-directory information about other students (such as class rolls).
- F. **Physical and Mental Health Information.** The Citadel is required by federal and South Carolina State laws and regulations to protect the privacy of the Protected Health Information (PHI) of students and their medical treatment records. PHI includes information that identifies the student and relates to a student's past, present, or future physical or mental health information. The Citadel will not release information related to the medical treatment or condition of a student to a third party without the written consent of the student.
- G. **Procedures for Inspection, Amendment, and Complaint.** Students at The Citadel must adhere to the following procedures to exercise their rights under FERPA:
- 1) The student should submit a written request to the Registrar, dean, head of the academic department, or other appropriate official who is the custodian of the record that they wish to review and inspect. The Citadel official will make arrangements for access within 45 days after receiving the request and notify the student of the time and place the records may be inspected. If the official, to whom the request is submitted, does not maintain the records, that official shall advise the student of the person to whom the request should be addressed.
 - 2) Students may ask The Citadel to amend a record that they believe is inaccurate or misleading. They should write to The Citadel custodian for the record, clearly identify the part of the record they want changed, and specify why it should be changed. If the official decides not to amend the record as requested by the student, the official will notify the student of the decision and the student's right to a hearing regarding the request for amendment. The student will receive additional information on this process when he or she is notified of the right to a hearing.
 - 3) Students may file a complaint with the US Department of Education concerning alleged failures by The Citadel to

comply with FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
US Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

- H. **Contact Information.** Anyone who has questions concerning this policy or The Citadel's procedures concerning the release of educational information under FERPA or South Carolina State laws and regulations should contact The Citadel's Privacy Officer. Students who have complaints concerning their privacy rights are also encouraged to visit or contact The Citadel's Privacy Officer. The Privacy Officer may be reached by e-mail as follows: privacy.officer@citadel.edu or by phone at (843) 953-5252.

4. **COMPLIANCE**

Non compliance with this policy may result in disciplinary action.

5. **NOTES**

A. Dates of official enactment and amendments:

Approved by the President on 12 September 2008
Revision approved by Director of Citadel Staff on 23 September 2011

B. Responsible Department:

Office of the President

C. Responsible Official:

Privacy Officer

D. Cross References

None

6. **RESCISSION**

General Order No. 8, dated 11 June 2003, and
General Order No. 4, dated 18 September 2008, are rescinded

FOR THE PRESIDENT:

OFFICIAL

JOSEPH W. TREZ
Colonel, USA, Retired
Director of The Citadel Staff