

FERPA

The Family Educational Rights and Privacy Act

For purposes of this statement, students will include only those individuals who are or have been enrolled in the Doctor of Ministry program, the Master of Divinity program, the Master in Community Leadership program, Latino Initiative or special certificate program of the American Baptist Seminary of the West, or the Common M.A. of the Graduate Theological Union.

The term "student" includes an individual who has been admitted to and has enrolled in or registered with the American Baptist Seminary of the West, as defined above.

The Family Educational Rights and Privacy Act of 1974, as amended, is a Federal law which states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution, has not right to inspect the records accumulated for the second institution until enrolled therein.

The American Baptist Seminary of the West accords all the rights under the law to students who are declared independent. No one outside the institution shall have access to nor will the institution disclose any information from students' education records without the written consent of students except to personnel within the institution, to officials of other institutions in which students seek to enroll, to persons or organizations providing students financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health and safety of students or other persons. All these exceptions are permitted under the Act.

Within the American Baptist Seminary of the West community, only those members, individually or collectively, acting in the students' educational interest are allowed access to student education records. These members include personnel in the Academic Dean's Office (including Dean of Students, Registrar and Consortial Registrar, Admissions Office and Consortial Financial Aid Office) and the Business Office, and academic personnel within the limitations of their need to know.

At its discretion the institution may provide Public Information in accordance with the provisions of the Act to include: student name, address, telephone number, email address, date of birth, place of birth, area of study, year in school, dates of attendance, degree program(s), registration information, dissertation or thesis title, religious affiliation/order, scholarships and honors, most recent previous degree and school, country of citizenship, school/school of affiliation. Students may withhold Public Information by notifying the Registrar in writing by the late registration deadline of fall semester. A form for this notification is available from the Registrar.

Request for non-disclosure will be honored by the institution for **only one** academic year; therefore authorization to withhold Public Information must be filed annually in the Registrar's Office. This is particularly relevant to the publication of any annual school directory.

The law provides students with the right to inspect and review information contained in their education records, to challenge the contents of their education records, to have a hearing if they are dissatisfied with the outcome of the challenge, and to submit explanatory statements for inclusion in their files if they are dissatisfied with the decisions of the hearing panels. The Registrar at the American Baptist Seminary of the West has been designated by the institution to coordinate the inspection and review procedures for student education records, which include admissions, personal, academic, and financial and placement records. Students wishing to review their records must make written requests to the head of the appropriate office as listed in the ABSW directory, listing the item or items of interest. Only records covered by the Act will be made available within forty-five days of the request. Students may have copies made of their records with certain exceptions (e.g. copy of academic record for which a financial "hold" exists or a transcript of an original or source document which exists elsewhere). Transcripts are available for a charge of \$5.00 per copy. Student education records **do not include** records of instructional, administrative, and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute for the person who made the record; do not include employment records; and do not include alumni records.

Student **may not** inspect and review the following as outlined by the Act: confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which case the institution will permit access **only** to that part of the record which pertains to the inquiring student. The institution is **not** required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights may discuss their problems informally with the Registrar. If the staff decisions are in agreement with the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended; and he/she will be informed by the Registrar of his/her right to a formal hearing. Student requests for a formal hearing must be made in writing to the Academic Dean who, within a reasonable period of time after receiving a request, will inform the student of the date, place, and time of the hearing. The student may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of his/her choice, including attorneys, at the student's expense. The hearing panels which will adjudicate such challenges will be appointed by and chaired by the Academic Dean. The hearing panel will consult with legal counsel as appropriate.

Decisions of the hearing panel will be final, will be based solely on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with the decisions of the hearing panel, if the decisions are in favor of the student. If the decisions are unsatisfactory to the student, the student may place with the education records statements commenting on the information in the records, or statements setting forth any reasons for disagreeing with the decisions of the hearing panel. The statements will be placed in the education records, maintained as part of the student's records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges were unfair or not in keeping with the provisions of the Act may request, in writing, assistance from the President of the institution to aid them in filing complaints with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605