



FERPA Policy

POLICY INFORMATION

Policy#: MP-014-R-001

Original Issue Date: 3/27/2013

Current Revision Date: 10/18/16

Initial Adoption Date: [Click here to enter a date.](#)

RESPONSIBLE OFFICE

Title	Department
Registrar	Office of the Registrar

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"/> Greystone
<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 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 (FERPA) (20 USC 1232g; 34 CFR Part 99) and has developed this policy and procedures in accordance with the CIA’s responsibilities under the law.

FERPA grants the CIA, in certain situations, the right but not the obligation to release Student information. The release of Student information may not be appropriate in every situation; therefore Employees are advised that if they are uncertain as to whether information may or should be released they should contact their Department Head prior to releasing any information.

C. AUTHORITY

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of Student Education Records. The law applies to all educational agencies and institutions that receive funds under any program administered by the Department of Education. If there is any conflict between this policy and the provisions of FERPA, FERPA will prevail.

D. DEFINITIONS

Directory Information: The following Student information:

- Name
- Permanent Address
- Campus box number
- 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

- i. contain information directly related to a Student; and
- ii. Are maintained by the CIA or third party acting on behalf of the CIA.

The term Education Records 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 School Official is deemed to have a Legitimate Educational Interest if the information requested is necessary for that official to (a) perform appropriate tasks that are specified in his/her position description or by a contract agreement; (b) is performing a task related to the Student's education; (c) performing a task related to

discipline of the Student; (d) or providing 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: All information directly related to a Student. This information includes Directory Information and non-directory information.

School Official: A person in an administrative, supervisory, academic, support staff position or law enforcement official employed by the CIA; a trustee; 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; a Student serving on an official committee or assisting a School Official in performing his/her task.

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

E. PROCEDURES

Student Rights

FERPA grants each Student the following rights with respect to his/her Education Records:

- 1) To inspect and review his/her Education Records
 - a. A Student may inspect and review his/her Education Records after submitting a written request to the School Official responsible for the record.
 - 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. A Student must 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. This exception is limited by the stipulations that the letters were solicited with the assurance of confidentiality and were used only for the purposes for which they were intended.
 - e. Students must not be permitted to view Education Records if they contain information about another Student.

- f. The CIA permits copies of Education Records under limited circumstances only. The CIA may charge a nominal fee for copies.
- 2) The right 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.
- a. A Student may ask a School Official to amend a record that he/she believes is inaccurate, misleading or otherwise in violation of his/her privacy.
 - b. The Student must 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. If the school 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.
 - e. 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.
 - i. 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.
 - ii. 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.
 - iii. If it is decided that the challenged information is not inaccurate or misleading or otherwise a violation of the Student's privacy, 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.
 - iv. 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.

- v. 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, 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) The right to consent to disclosure of personally identifiable information contained in your Education Records

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

The written consent must:

- a) specify the records to be released
- b) indicate the purpose of the disclosure
- c) identify to whom the disclosure may be made and
- d) be signed and dated by the Student.

- b. The CIA has the right **but is not required** to release information from a Student's Education Records without his/her written consent if disclosure is:

1. Information identified as Directory Information.
2. To School Officials who have a Legitimate Educational Interest.
3. 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.
4. To parents of an eligible Student who claims the Student as dependent for income tax purposes.
5. To authorized representatives of federal, state or local educational authorities.
6. In connection with federal aid for which the Student has applied or the Student has received.
7. To officials of another institution of postsecondary education where the Student seeks or intends to enroll.
8. To organizations conducting studies for or on behalf of the institution.

9. To accrediting organizations.
10. To comply with a judicial order or lawfully issued subpoena
11. 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.
12. Subject to certain requirements, in connection with a disciplinary proceeding at an institution of postsecondary education.
13. To a parent of a Student under the age of 21 concerning the Student's violation of any law or policy regarding the use of possession of alcohol or a controlled substance.
14. Concerning sex offenders and other individuals required to register under state or federal law.

4) The Student has the right 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 name and address of the office that administers FERPA is
Family Policy Compliance Office
U.S Department of Education
600 Independence Avenue SW
Washington, DC 20202-4605

Annual Notification

The Registrar's Office will provide to all Student's an annual notification of their rights under FERPA.

As outlined by FERPA the Annual Notification must include:

- the right of the Student to access his/her Education Records,
- the right for a Student to request a change to an Education Record believed to contain inaccurate or misleading information,
- the right to a hearing if the request to correct an alleged inaccuracy is denied,
- the right to consent to certain disclosures of information and the right to file a complaint with The Family Policy Compliance Office.

The annual notification will also disclose the CIA’s policy of releasing information to School Officials.

Parental Notification

Unless permitted by a FERPA exception, the CIA will only disclose FERPA-protected Education Records to parents with a written consent. 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 **Request to Prevent Disclosure of Directory Information** in 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 Education Records or Personally Identifiable Information (other than Directory Information) to a third party (other than to a Student or a School Official with a Legitimate 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 obtaining the information.

F. RESPONSIBLE CABINET MEMBER

Vice President—Academic Degree Programs

G. RELATED INFORMATION

POLICY HISTORY

Policy Editorial Committee & Responsible Cabinet Member Approval to Proceed:

March 15, 2013

10/18/16

Policy Advisory Committee (PAG) Approval to Proceed, Date

Board Approval to Proceed (if required), Date

March 27, 2013

Cabinet Approval to Proceed, Date

Policy Revision Dates:

10/18/16

Scheduled Review Date: