

DYUUVILLE UNIVERSITY

Policy Title: Confidentiality – Education Records

Responsible Unit: DYU Administration

Adoption Date: July 15, 2020

Last Review Date: July 15, 2020

Next Review Date: July 15, 2024

The preferred method of education record retention is electronic, utilizing the University controlled OneDrive and/or University approved and maintained software services (i.e.: Colleague and Maxient) which are only accessible with approved credential log-in. Any records which remain physical should be prioritized for digitization and secured in lockable University property with controlled access.

Employees with legitimate interest in education records such that access is a requirement of their professional position are required to access such records only on University provided electronic devices. Additionally, this access can only be completed on the official University internet connection or through the use of a VPN. Duplicate records may not be downloaded and saved outside of the above mentioned storage mechanisms or on personal electronic devices.

All employees will be instructed on this policy and associated procedures during their onboarding session with the Information Technology Pulse Center.

Education records may not be released without prior written consent from the student to which they pertain. Such written consent must be dated and signed by the student, and must specify the records to be released, the reasons for which they may be released, and to whom the records may be released.

Consent to disclose student records is not required under the following circumstances:

- Where the disclosure is of directory information, as that term is defined below.
- Where the disclosure is made to the parents of dependent students. Prior to making such a disclosure, however, you must confirm with the Registrar's office that the student is in fact a dependent.
- Where the disclosure is to school officials with legitimate educational interests, as those terms are defined below.
- Where the disclosure is to appropriate parties in a health or safety emergency. Appropriate parties may include: law enforcement officials, public health and safety officials, medical professional and personnel, or parents.
- Where the disclosure is to officials of another school in which the student seeks or intends to enroll or is enrolled.
- Where the disclosure is in connection with financial aid for which the student has applied, received or is receiving.

- Where the disclosure is made to accrediting organizations.
- Where the disclosure is made to officials conducting studies for or on behalf of D'Youville.
- Where the disclosure is to authorized government representatives responsible for supervising the institution's State-supported education programs.
- Where the disclosure is made to comply with a judicial order or lawfully issued subpoena.
- Where the disclosure is made to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, regarding the final results of a disciplinary proceeding concerning such offense.
- Where the disclosure is made to the general public, regarding the final results of a disciplinary proceeding, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense, and the student has committed a violation of the school's rules or policies.
- Where the disclosure is made to parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.

If you disclose personally identifiable information from a student's education records pursuant to one of the above FERPA exceptions, you normally must first inform the recipient of the information that it cannot re-disclose the information without the student's consent, and that it may only use the information for the purpose for which the disclosure was made.

You must also maintain a written record of each request for access to, and each release of personally identifiable information from a student's education record, which includes that name of the requester and recipient of the information, the legitimate interests they had in the information, and, in the case of a "health or safety emergency," a description of the perceived threat. A written record does not need to be maintained for disclosures made pursuant to the following FERPA exceptions:

- Disclosures to school officials with legitimate educational interests.
- Disclosures made with the student's written consent.
- Disclosures of directory information, so long as the student has not opted-out.
- Disclosures in connection with a grand jury or other law enforcement subpoena.