



NOORDA COLLEGE
of OSTEOPATHIC MEDICINE

Policy Name:	Student Data Security & Confidentiality of Records Policy
Approval Authority:	Board of Trustees
Responsible Executive:	President
Responsible Office(s):	President's Council Title IX Coordinator
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Student Data Security & Confidentiality of Records Policy

Policy Statement

Student Privacy and Family Education Rights and Privacy Act (FERPA) Family Education Rights and Privacy Act of 1974, or FERPA, governs privacy for students who are or have attended Noorda College of Osteopathic Medicine. Students have the right to request, inspect, review, and challenge the records maintained by the institution under the provisions of FERPA. Noorda College of Osteopathic Medicine does not permit access to, or the release of, student's education records or personally identifiable information (PII) outside of directory information without the student's written consent, except to those with an education need-to-know and entities granted access per FERPA. Students may review the complete text of FERPA at the Office of the Registrar.

Questions regarding FERPA should be directed to the Office of the Registrar. Notification of Rights Under FERPA affords students certain rights with respect to their education record. Noorda-COM defines student as any student who is, or has been enrolled, at Noorda-COM. FERPA application begins on the first day of classes of the first term of attendance.

Entities Affected by the Policy

Faculty
Staff
Students
Office of the Registrar
Office of the Dean
Office of Institutional Effectiveness

Policy Procedures

The Right to Review and Inspect

Currently enrolled and former students have the right to inspect and review the student's education record within 45 days after the request is received by the institution. A written request must be submitted to the Office of the Registrar identifying the records the student wishes to inspect. The

Registrar, and/or the Registrar's designee, will make arrangements for access and notify the student of the time and place where the records may be inspected.

Please note the following:

- This right does not extend to the financial records, including any information those records contain, of the student's parents. Also, certain restrictions apply to a student's access to confidential letters and confidential statements of recommendation placed in a student's education records. Additionally, certain records may not be accessed by the student because they are excluded from FERPA's definition of "education records."
- If circumstances effectively prevent the student from exercising this right to inspect and review his/her education records, Noorda-COM will either provide the student a copy of the requested records or make other arrangements for the student to inspect and review them.
- Noorda-COM does not charge a fee to search for or to retrieve a student's education records but may charge a fee for a copy of those records, unless doing so would in some way effectively prevent the student from exercising this right.

The Right to Seek an Amendment of a Student's Education Record

A student has the right to request an amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student requesting an amendment must submit a written request to the Office of the Registrar clearly identifying the specific part of the record the student wants amended along with justification for the amendment request. Justification can include inaccurate, misleading information, or in violation of a student's privacy rights.

Noorda-COM will follow its internal process to review any request for an amendment. Noorda-COM will respond to an amendment request within ten (10) business days of the receipt of the request. At times, depending on the complexity of the information, it may take longer than ten (10) business days. A student will be notified of timelines. The student requesting the amendment will receive a written response indicating the decision.

The Right to a Hearing Regarding the Request for an Amendment

If Noorda-COM decides an amendment is not warranted, the student will be notified of the decision and advised of the student's right to a hearing regarding the denial of the amendment request. If, as a result of the hearing, Noorda-COM decides an amendment is warranted, the Office of the Registrar will amend the record and will inform the student of the amendment. If, as a result of the hearing, Noorda-COM decides an amendment is not warranted, the student will be informed of the right to place a statement in the record commenting on the contested information or stating why the student disagrees with the decision of the College, or both. Any such statement placed in the student's education record will be maintained and will be disclosed whenever Noorda-COM discloses the portion of the record pertinent to the statement.

The Right to Prevent Disclosure of Personally Identifiable Information

Students have the right to prevent the disclosure of personally identifiable information (PII) from their education records, except to the extent that FERPA authorizes disclosure without consent. Unless authorized by FERPA exception, Noorda-COM must obtain written consent from a student prior to disclosing PII contained in the student's records. Per requirement, a student's consent must specify the records to be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom disclosure may be made. FERPA permits the disclosure of PII from students'

education records, without consent of the student, if the disclosure meets certain conditions. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, regulations require the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student.

Non-consensual disclosure includes but is not limited to the following:

- Legitimate Educational Interests. To school officials with whom Noorda-COM has determined to have legitimate educational interests. A school official is a person employed by Noorda-COM in an administrative, supervisory, academic, research or support staff position (including law enforcement personnel and health staff). It also includes a person serving on Noorda-COM's governing board; a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing tasks. Additionally included are contractors, consultants, volunteers, or other parties (such as attorneys, auditors, or collection agents) to whom Noorda-COM has outsourced institutional services or functions that it would otherwise use employees to perform provided that this outside party is under the direct control of Noorda-COM with respect to the use and maintenance of education records and is subject to FERPA restrictions governing the use and re-disclosure of PII.
- Postgraduate Training Applications. Student education records along with supporting documents relevant to application services used to deliver postgraduate training applications, with whom students are registered, may be disclosed to the application services without the student's prior written consent.
- Judicial Order. Student education records may be released if properly subpoenaed pursuant to a judicial, legislative, or administrative proceeding. In all such cases, reasonable attempts will be made to notify the student of the judicial order in advance of compliance, as permitted by law.
- Financial Aid. Student education records relevant to the student's application for, or receipt of, financial aid may be disclosed without the student's prior written consent.
- Federal and State Authorities. Authorized federal and state official may have access to student education records as required by the audit and evaluation of state and federally supported education programs, or in connection with the enforcement of federal legal requirements which relate to such programs.
- Accrediting or Professional Associations. Designated representatives of accrediting and other professional organizations affiliated with Noorda-COM may have access to student education records to the extent necessary to fulfill the obligation of that affiliation.
- Payment Delinquency. Student education records may be disclosed as necessary to effect collection of a student's financial obligations to the College.
- Student Transfer. Noorda-COM may disclose personally identifiable information from a student's educational records without consent if the disclosure is to another institution for which the student has applied for admission, under the conditions described in 99.31 and 99.34 of the regulations.
- Litigation. Student education records deemed necessary for the defense in a suit filed by a student may be disclosed to attorney's representing Noorda-COM.

Non-consensual disclosures are permitted to parents in the following circumstances:

- Disclosure of a student's personally identifiable information to parents is permitted without a student's written consent if the College determines that there is an articulable and significant threat to the health or safety of the student or other individuals.
- Such disclosure is permitted to parents of the student if the parent provides documentation that the student is a dependent pursuant to Section 152 of the Internal Revenue Code of 1986 and notice is given to the student that a parent has requested such information.
- Such disclosure is permitted if the student is under 21 at the time of the disclosure and the University has determined that the student has committed a disciplinary violation of any federal, state, or local law, or of any rule or policy of the University governing the use or possession of alcohol or a controlled substance.
- Disclosure pursuant to the Wetterling Act, 42 U.S.C. 14071. Noorda-COM may disclose without consent information received under the Wetterling Act about a student who is required to register as a sex offender.

Student education records disclosed to a third party are subject to the condition that the third party will not permit any other party to have access to the records without prior approval from the College or the students.

The Right to File a Complaint with the Department of Education

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA.

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

Student Privacy Policy Office

U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202

Notice of Directory Information

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Noorda-COM, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Noorda-COM may disclose appropriately designated "directory information" without written consent, unless you have advised Noorda-COM to the contrary in accordance with Noorda-COM's procedures. The primary purpose of directory information is to allow Noorda-COM to include information from your education records in certain institutional publications.

Examples include:

- Dean's Lists and/or other academic honors awarded by Noorda-COM; and/or,
- Graduation programs; and/or,
- Residency Placement information.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that process transcripts, diplomas, etc. FERPA permits Noorda-COM to limit the disclosure of directory information to specific parties, for specific purposes, or both. In the exercise of that authority, Noorda-COM may release all directory information to school officials as defined above. Other releases will be limited to

those situations where Noorda-COM believes the release would recognize a student for academic or co-curricular achievement or otherwise advance the student's career interests.

Examples of such releases would be the disclosure of directory information to prospective employers, financial aid and scholarship agencies or to registry, licensure or certification services.

Another example would be the release of directory information in connection with Noorda-COM-sanctioned alumni affairs unless a restriction requested by the student continues to be in force.

Noorda-COM has designated the following information as directory information:

- Student Name
- Campus Address
- Telephone Listing
- Noorda-COM Email Address
- Photograph
- Date of birth (Month and Day)
- Program of Study
- Dates of Attendance
- COM Level
- Participation in officially recognized activities
- Degrees, honors, and awards received
- Location, Training Institution, and Medical Specialty Identified for Postdoctoral Education
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user

Students who wish to opt out of the release of some, or all, of their directory information must notify the Office of Registrar in writing. Upon receipt of such request, the Registrar will designate that portion of the student's directory information as confidential and not to be released outside Noorda-COM except to individuals, institutions, agencies and organizations otherwise authorized by FERPA. Noorda-COM will honor all requests to withhold any of the categories of directory information listed in the written request, but will not assume any responsibility to contact the student for subsequent permission to release that information.

Nondisclosure will be enforced until the student subsequently authorizes its release. A student may not, however, opt out of the disclosure of the student's name, identifier or Noorda-COM email address in a class in which the student is enrolled.

Maintenance of Student Records

Noorda-COM will maintain the following student records information indefinitely:

- Transcripts
- Transcripts for coursework completed at other institutions
- Dates of enrollment, matriculation date, start and end dates of each academic year, dates of leaves of absences, withdrawal, dismissal, conferral/graduation dates
- National exam scores
- Student course performance and clinical clerkship performance evaluations
- MSPE's

- Change of status forms/letters related to leaves, academic schedule variations, remediations, name changes, withdrawal, dismissals, etc.
- Final disposition of disciplinary action records (with or without sanctions)
- Institutional technical standards forms for admissions and/or graduation
- Medical School Diploma (copy)
- Criminal background check, toxicology screenings
- International student documentation
- Student Health and Immunization records

Please note that this is non-exhaustive list. For questions regarding your student record, contact the Office of the Registrar at registrar@noordacom.org

Privacy

Every effort is made by Noorda-COM to preserve the privacy of reports. Noorda-COM will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures. Noorda-COM reserves the right to determine which Noorda-COM officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to:

- President
- Dean
- Associate Dean for Student Affairs
- Director of Human Resources
- Director of Facilities/Security
- and Professionalism, Academic and Clinical Committee

Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy. Noorda-COM may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Noorda-COM is committed to fostering an environment of inclusiveness and supporting students' form of self-identification. Noorda-COM recognizes that some students prefer to identify themselves by a first and/or middle name other than their legal name, and as long the use of a different name is not for the purposes of misrepresentation, Noorda-COM permits students to use a preferred name where possible in the course of Noorda-COM education and business. Any student may choose to identify a preferred first and/or middle name in addition to the legal name. Students may request this service via the COMmons. The student's preferred name may be used in many contexts including class rosters, Canvas, ID Cards, etc. The student's preferred name will appear in the Noorda-COM directory unless a FERPA block is requested.

There are certain Noorda-COM records that require a legal name; however, wherever reasonably possible, a student's preferred name will be used. College administrators, Campus Safety, and your supervisor (if you are employed on campus) will have access to your Legal and Preferred Names.

The legal name is required for, but not limited to just, the following:

- Student Information System
- Student Financial Services documentation
- Financial Aid
- Federal Requests for Information
- Immigration Documents
- Medical Documents
- National Student Clearinghouse
- Official correspondence with external entities
- Official and unofficial Transcripts
- Academic Certifications and Verifications
- Clinical Rotation Applications and Communications
- Diplomas • Paychecks/W-2/1098-T
- Campus Safety Student may designate (or remove) a first and/or middle preferred name through the Office of the Registrar.

The Office of the Registrar will review and respond to all requests. Noorda-COM reserves the right to not accept a preferred name if it is deemed inappropriate, including a preferred name that is vulgar, offensive, fanciful, or creates confusion with another person.

Allowable name formats include (but are not limited to):

- A shortened derivative of a name (e.g., "Katie" for "Katherine")
- A middle name instead of a first name
- First and middle initials (e.g., "M.J." for "Mary Jane")
- An anglicized name (e.g., "Simon" for "Bao")
- A name that better represents the individual's gender identity
- A name to which the individual is in the process of legally changing

An approved preferred name does not affect your legal name. Please note that it may take up to seven (7) business days for the request to be completed through all Noorda-COM systems. Reports of misuse and abuse of both preferred name and legal names in accordance with existing policies and procedures will be reported to Student Affairs. Depending on the individual and circumstances involved, this could include Human Resources, Academic Affairs, General Counsel, and/or appropriate law enforcement agencies. Noorda-COM reserves the right to remove preferred names that are deemed misrepresentative and to suspend the individual's privilege to update a preferred name.

Address and Telephone Number Student will have access to update their personal address information in the COMmons. Noorda-COM requires students to keep their permanent home address and telephone number on file with the Office of the Registrar. Permanent address information is required by the Department of Education for Enrollment Reporting. A campus address, where you are located when you matriculate and attend, and your mobile telephone number can be kept on file as your preferred (local) address. Students are responsible for keeping their local address information current.

Definitions

N/A

Responsibilities

Students
Faculty
Employees
Credentialed Instructional Staff
Associate Dean for Student Affairs
Media and Information Technology
Office of the Registrar
Office of Human Resources
Office of the Dean
Office of the President

Policy Violations

A violation of this policy may lead to reprimand, suspension, dismissal or other disciplinary action, consistent with general personnel policies of the College, and the Code of Student Conduct.

Interpreting Authority

If circumstances arise involving the release of confidential information that are not covered in the College's Catalog or by these guidelines contact for advice, clarification, or direction from any of the following departments.

Office of the President
Office of the Dean
Office of the Registrar
Department of Student Affairs

Statutory or Regulatory References

Public Law 93-380, the Family Educational Rights and Privacy Act of 1974, as amended (FERPA)

Relevant Links

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Policy Adoption Review and Approval

President's Council