

## □ SECTION VII

### ACCESS TO RECORDS AND POLICIES ON CONFIDENTIALITY

#### Access to Records

Brown University's policies pertaining to student access to records and the protection of confidentiality comply with the Family Educational Rights and Privacy Act of 1974.

The files maintained in the Office of Student Affairs serve many purposes. They are the repository for course evaluations, various administrative forms, and general communications. When students are seen by administrative staff (e.g., the director of student affairs [DSA] or the Associate Dean for Medical Education), memos summarizing that meeting may be prepared and kept in the student's file. Copies of these memos may be sent to the student's faculty advisor when appropriate. If a memo contains sensitive information, it will *not* be kept in the student's regular file, but instead will be kept in a confidential file in the Associate Dean's office. A note will be entered into the student's regular file indicating that additional information is on file in the Associate Dean's office.

Students have a right to inspect and review information contained in their education files, both those kept in the student affairs director's files and the confidential files (if any) kept in the Associate Dean's office. Students may inspect their records at any time during regular office hours without an appointment. Students who wish to inspect their records outside of regular office hours should call the DSA and make the necessary arrangements if such can be arranged at a mutually satisfactory time. If such arrangements cannot be made, it is up to the student to come during regular hours.

Students may have copies made of their records with certain exceptions (e.g. a copy of the academic record for which a financial "hold" exists). Copies will be made at the students' expense at the rate of the charge for an academic transcript plus ten cents for each page after the first page. Students may request copies of their record or parts of their record by telephone. These copies will be sent to Box G or to the student's residence address already on file in the student affairs office. For the student's protection the copies will not be sent to any other address without the student personally appearing in the student affairs office to file a new or supplementary mailing address.

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 the 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 or safety of students or other persons.

No confidential information will be provided over the telephone, such as grades. Exceptions to this will be made only when the student has personally made arrangements with the student affairs office staff for disclosure of confidential information over the telephone which would include some safeguards to prevent unauthorized persons from obtaining such information.

Parents of dependent students may be kept informed of the student's status at Brown, including academic standing, violations of the Academic Code, disciplinary violations, and facts relating to the status of the student. In order to establish independence from parents, students must not be claimed as a dependent by their parents for federal income tax purposes and must declare this at the beginning of each semester by signing a "statement of independence from parents," available at the registrar's office. Without this declaration a student is presumed to be dependent.

The university provides directory information about students. Students may withhold directory information by notifying the registrar in writing when registering for the fall semester or not later than the first day of class of the semester. This request for non-disclosure will be honored for only one academic year; therefore, authorization to withhold directory information must be filed annually in the Office of the Registrar.

Within the university, only those members acting in the students' educational interests are allowed access to student education records within the limitations of their need to know.

Students who believe that their education records contain information that is inaccurate or misleading may discuss their problems informally with the Dean or Associate Dean for Medical Education. If the Dean believes that the student's request is meritorious, the appropriate records will be amended. If not, the student may add his or her own written comments to the record and/or request a formal hearing. Procedures for such a hearing are described under Section X—Appeal & Grievance Procedures.

Many pieces of information pertaining to students are kept in these single files. If students believe that certain pieces of information of a noneducational nature should not be in the files (e.g., newspaper clippings, personal communications, etc.), they should discuss this with the director of student affairs who will remove them, if they are not necessary as part of the permanent file.

### Confidentiality

Students have a right to expect that faculty and staff will respect their privacy and deal with sensitive information in an appropriate and professional manner. Information on an individual student's grades, performance on external examination (e.g., USMLE), financial status, medical problems, personal problems, and similar sensitive information should be handled carefully so as to prevent it from becoming known to unauthorized individuals.

The staff has been made aware of the need to be ever mindful of standards of professional conduct designed to keep sensitive personal information confidential. This includes

keeping confidential information under secure conditions, limiting access, requiring faculty to justify access and to sign records, shredding rather than throwing away sensitive documents, not leaving sensitive documents exposed on desktops, not discussing sensitive information on the telephone when unauthorized persons are present, and not "gossiping."

Even with appropriate training, breaches in confidentiality will occur. Most often this is due to carelessness and is neither intentional, malicious, nor typical of the individual who may have breached the standard of conduct. When this happens, students are encouraged to speak directly with the person involved and discuss the problem. Most of the time the problem is easily resolved at that level. If not, the student should speak to the person's supervisor.

Some students, however, may feel uncomfortable about directly confronting the person or even his or her supervisor. To this end, the Dean of Medicine has designated Dr. Lundy Braun (863-3308) to hear student complaints about confidentiality. Students may speak to Prof. Braun with assurances that their identity will be kept anonymous. Prof. Braun may be able to informally mediate the resolution of a problem by discussing it with the person alleged to have breached confidentiality and/or that person's supervisor. If the problem cannot be resolved informally, Prof. Braun will advise and counsel the student on what procedures are available to formally pursue resolution. These formal channels, if pursued by the student, would require disclosure of the student's identity. The channels for handling a grievance are described in Section X of this handbook.

Professional standards of conduct require that sensitive information be handled carefully and appropriately, but do not forbid the sharing of that information to appropriate persons. In order to operate effectively on behalf of the students' interests, information should be shared among appropriate individuals. For example, if a student were having academic difficulty, it would be appropriate for individuals such as the Associate Dean for Medical Education, the director of student affairs, and the student's faculty advisor (and the minority affairs Dean as appropriate) to know about it so as to help the student. Routinely this information is shared among the professional staff of the student affairs office. If a student does *not* want information shared by anyone other than the person he or she is speaking to, then the student should make it known that he or she prefers that the information remain strictly confidential and not be shared. This request will be honored except when the student is a danger to himself/herself or others or in compliance with a judicial order. If a student does not specifically request that information be withheld from others in the student affairs office or with faculty advisors, then it will be assumed that the student does not object to the information being shared with a limited number of other professionals in the student affairs office and faculty advisors.

## Notification of Rights under FERPA for Postsecondary Institutions

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

(1) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the 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 who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the University 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 University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, 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 University.

[Optional] Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. [NOTE TO UNIVERSITY: FERPA requires an institution to make a reasonable attempt to notify each student of these disclosures unless the institution states in its annual notification that it intends to forward records on request.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University 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  
400 Maryland Avenue, SW  
Washington, DC 20202-5901